

salaries. The authorities arrested nightclub operators for profiting from prostitution, and the Government made some effort to protect women who bring complaints against employers by allowing them to remain to press charges or facilitate their return home. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation. A similar pattern exists of the recruitment and hiring of Eastern European women to work in the Turkish Cypriot community, and reports persist of restrictions on nightclub workers, such as confiscation of their passports by employers.

## CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority government comprised almost exclusively of members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term. President Vaclav Havel was reelected in January 1998 by a narrow margin and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions are still in a state of transformation. The judiciary is legally independent but is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed human rights abuses.

The economy is market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. After 2 years of contraction, the economy grew by 2.8 percent during the first three quarters of the year. Inflation dropped to 3.9 percent, while unemployment leveled off at 8.8 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The GDP per capita in 1999 stood at approximately \$5,400 (186,300 Czech crowns).

The Government generally respects the human rights of its citizens; however, problems remain in several areas. Occasional police violence remains a problem. Lengthy pretrial detention and long delays in trials are problems, due to a lack of resources for the judicial system. There is some violence and discrimination against women. Discrimination and sporadic skinhead violence against the Romani community remain problems. Trafficking in women and children is a problem. Since January 1999, the Human Rights Council, headed by the Commissioner for Human Rights, has advised the Government on human rights issues and prepared legislative proposals for improving human rights in the country. In December the Parliament named former Justice Minister Otakar Motejl as Ombudsman for Human Rights.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearances.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, and there were no reports of such practices; however, police occasionally used excessive force and abused their authority.

In May police clashed with anarchists attempting to disrupt a skinhead rally; the anarchists complained of being singled out for arbitrary arrest and beatings. Similar allegations were made after police prevented anarchists from disrupting neofascist rallies in October and November.

During violent antiglobalization protests surrounding the September International Monetary Fund (IMF)/World Bank meetings in Prague, 123 police officers were injured, many by cobblestones thrown by rioters (see Section 2.b.). Police arrested 900 protesters for destruction of property, disturbing the peace, blocking roadways, and attempting to disrupt the meetings. Most were released within 1 or 2 days. Police brought charges against 20 persons; by December 6 all had been released on bail.

After their release, many of those detained complained of poor treatment and abuse before and during their detention. Most complaints were of illegal detention; overcrowded cells; lack of food and toilet facilities; no immediate access to lawyers or telephones; and rough treatment, strip searches, and intimidation by police and prison officials. Some protesters stated to NGO's monitoring police behavior that they had seen numerous people whom they believed had been beaten by the police and prison officials. One Spanish and two Danish protesters claimed police beat them while they were in custody. A Polish protester, who is suing the Czech police, stated that uniformed police had beaten him repeatedly over the course of his 24-hour detention, during which he had been chained in his cell, denied access to a lawyer, and not allowed to use toilet facilities. Numerous foreign demonstrators claimed that they were arrested despite behaving peacefully. Arrested protesters also reported that police and prison officials were wearing masks and were not wearing or were covering their identification numbers. A South Korean scientist and visiting professor at Charles University not participating in the protest was arrested and held for 24 hours. He complained of abuse while in detention.

Government officials expressed satisfaction with overall police conduct during the protests, although they did not reject the possibility of misconduct by individual officers. However, local and international human rights organizations expressed concern about police behavior during the protests; 15 members of the European Parliament sent an open letter to government leaders urging a thorough investigation. In October the Ministry of the Interior initiated an investigation into complaints of police misconduct. By year's end, the Ministry of the Interior had received 373 complaints, 60 of which led to investigations. Only two cases of possible police misconduct were found (one for illegal fingerprinting and one for a covered identification number). No misconduct was found in the case of the Danes, the Spaniard, or the South Korean; the case of the Polish protester was still ongoing. Several other cases were still under investigation at year's end, including that of a police officer photographed standing over a fallen protester wielding a club. Other cases were suspended for lack of evidence. An NGO monitoring the police gathered testimony of police misconduct from over 50 protesters and filed at least 2 lawsuits against the police. That organization has expressed dissatisfaction with the Ministry of the Interior's investigations.

According to press reports, an American/Austrian dual citizen detained during the riots jumped from a police station window, breaking her leg. She stated through her attorney that she had paid a fine for participating in the riots but had not been released at that time. In addition she complained of "aggressive and improper" police behavior toward her during detention. The Ministry of the Interior investigation into her complaint found no police misconduct.

The police force has been restructured significantly; the majority of officers have been recruited since the 1989 revolution. Public approval ratings for the police reached a 10-year high after their overall good performance during the IMF/World Bank meetings. Petty police corruption remains a problem, although enforcement against it has improved. During the year, 389 members of the police force were charged with criminal offenses, a 12 percent increase over 1999, which the authorities credit to better enforcement efforts. The most common offenses cited were police officers fining motorists for traffic offenses, then keeping the money, and auto accident insurance fraud. Punishments include suspension from duty, fines, and prison sentences. Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In December police officer Marian Telega was sentenced to 18 months in prison and 2-and-a-half years' probation for his involvement in the 1998 death of Rom Milan Lacko. Telega drove the car that hit and killed Lacko after he was beaten by skinheads and left in the road (see Section 5). In September Rom Martin Tomko accused a Brno police officer of stopping him in the street and, after an argument, beating him and leaving him unconscious in a park. Three police officers have been charged with inflicting bodily harm.

In October a Prague court rejected a complaint against a special police unit alleged to have used excessive force to contain a group of anarchists and radical environmentalists rioting in downtown Prague in 1998.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 still was awaiting a formal court decision at year's end. In the meantime, the officer continues to serve on the police force but faces suspension or other internal disciplinary action if convicted.

The trial of one of the three Communist-era investigators charged with torturing political prisoners in the 1950's ended in acquittal in January. The trial of the other two was postponed for health reasons (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin was still being in-

vestigated at year's end. The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.).

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions meet minimum international standards. There is overcrowding in many prisons, but it declined during the course of the year. In March the general director of the prison service announced that the country's prisons would temporarily refuse entry to convicts who have been sentenced to 2 years in prison or less. In February and March, prisoners in several facilities rioted and staged hunger strikes to protest overcrowding, deteriorating facilities, and insufficient food and clothing. The protests ended after a week. In May the prison system was at 120 percent of capacity, in some areas as high as 180 percent; there were approximately 23,000 prisoners in the country. By year's end, the system was at 110 percent of capacity; some prisons were at 135 percent. There were 21,547 prisoners and 9,890 prison guards. Women and men are housed separately. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by human rights monitors. However, during the IMF/World Bank protests, observers were not allowed into two detention facilities in Branik and Ocelarska Street (see Section 4).

*d. Arbitrary Arrest, Detention, or Exile.*—The law forbids arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The lack of experienced police investigators and qualified judges, combined with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 300 judges and 88 prosecutors are needed to fill vacant positions. Pretrial detention may last legally as long as 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. The average length of pretrial detention is now 195 days. As of November, the number of pretrial detainees was 6,353, about one third of the prison population.

The law prohibits exile, and the Government observes this prohibition in practice.

Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics), a total of 851 "Slovaks" had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty (that was expected to affect three-fourths of all expulsion sentences issued between January 1, 1993 and February 2, 1998) granted amnesty to those receiving expulsion sentences for crimes in which the punishment was less than 5 years' imprisonment. However, according to one NGO that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law in 1999, which allows "Slovaks" and others to legalize their status. There have, however, been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families (see Section 5).

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and it is impartial and independent in practice. Judges are not fired or transferred for political reasons. Structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary. Ministry of Justice proposals for judicial reform, including term limits for Constitutional Court judges, a mandatory retirement age for judges, and measures to streamline the legal process, failed in Parliament at several points throughout the year. In October Justice Minister Otakar Motejl resigned after Parliament repeatedly rejected his attempts at broad judicial reform.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition the separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law stipulates that persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and

have the right to refuse to testify against themselves. They may appeal any judgments decided against them. The authorities observe these rights in practice.

The 1991 lustration (vetting) law, passed to prevent Communist-era collaborators from taking up senior government responsibilities, continues to bar many former Communist Party officials, members of the people's militia, and suspected secret police collaborators from holding a wide range of elective and appointive offices for 5 years, including appointive positions in state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to December 31, 2000, overriding a veto of President Havel. In February the Chairman of the Government's privatization agency was dismissed after presenting a falsified lustration certificate clearing him of cooperation with Communist-era state security. In November the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law are passed and implemented. The extended law exempts from the lustration process people born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving non-collaboration. By October the special section of the Interior Ministry handling lustration requests had processed 8,200 lustration certificates, bringing the total since 1991 to 395,500. During the year, 3 percent of the applications did not receive confirmation of a clear record, in line with the average of 3.2 percent since 1991. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander. Twenty such suits were filed during the year; court decisions were still pending at year's end.

Defenders of the lustration law argue that individuals who systematically destroyed the lives of others in order to gain advantages for themselves within the Communist system should not be entrusted with high state responsibilities. However, the law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It also has been criticized because the screening process is based on the records of the Communist secret police, which many believe are incomplete or unreliable. Citizens unjustly accused of collaboration may suffer diminished career prospects and damaged personal reputations. In its November assessment report on the Czech Republic for European Union (EU) accession, the European Commission again noted the need to eliminate the law.

Some actions taken by state authorities and the Communist Party during the 1948 to 1989 Communist regime are being investigated as criminal acts under a 1993 law by a government office, UDV, established for this purpose. The UDV was established in 1995 and is an independent part of the Czech Police Office of Investigations. The UDV is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. As of October, the UDV had investigated 2,756 cases under its jurisdiction, and recommended action against 152 individuals. Charges have been filed in court against 44 persons. Nine of those have been sentenced; five were placed on probation and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation. The trial in Uherske Hradiste of three Communist officials charged with torturing political prisoners in the 1950's ended in January. One of the three was acquitted; the case was postponed against the other two for health reasons (see Section 1.c.). The UDV is still working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or to the expired statute of limitations on the cases. It targets primarily cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state persecution of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire this year, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In September the Interior Ministry extended the UDV's mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

In July the case of Communist-era judge Pavel Vitek was submitted to a regional prosecutor. A district court ruled earlier that Pavel Vitek, who was one of the judges in a show trial against seven persons who were accused falsely of murdering Communist officials in 1951, could not be tried for his role in the case because the statute of limitations had expired. However, the Supreme Court ruled in December 1999 that he could be tried for aiding and abetting murder. The prosecutor had not yet returned the case to trial by year's end.

In February the Prosecutor General returned the case of former Communist officials Milos Jakes and Jozek Lenart to the UDV for further investigation. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers'" government; they were not indicted by year's end.

The UDV also opened three new high-profile cases: The unexplained death in August 1967 of American citizen Charles Jordan, in which involvement of the Czech state security service is suspected; Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the alleged attempts of two former Communist officials to conceal and protect Nazi war criminal Werner Tutter in the 1960's. Prosecution of former Czechoslovak Premier and Interior Minister Lubomir Strougal relating to the arming of the People's Militia, a paramilitary force of the former Communist Party, was halted; he still faced charges of abuse of public office at year's end.

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Electronic surveillance, the tapping of telephones, and the interception of mail require a court order; government authorities generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

Unlike in 1999, there were no reports of Roma filing complaints against the police for illegal searches during the year.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. Individuals can and do speak out on political issues and freely criticize the Government and public figures. A wide variety of newspapers, magazines, and journals owned by a variety of Czech and foreign investors are published without government interference. The press law was updated in February to conform to EU norms.

The electronic media are independent. There are 3 national television stations—1 public (with 2 separate channels) and 2 private—and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. International arbitration continues on a dispute over its ownership and alleged fraud and commercial misconduct by the station's license holder; several courts found in his favor during the course of the year. Citizens also have access to foreign broadcasts via satellite, cable, and the Internet.

On January 1, a new Freedom of Information Act took effect. The law provides for freedom of access to information under the control of state and local authorities as well as other institutions affecting the rights of citizens.

In November President Havel signed an amendment to the Penal Code that imposes prison terms of between 6 months and 3 years for denying the Nazi Holocaust and the Communist genocide. The amendment also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In February the lower house of Parliament approved a press bill, minus its most controversial provision requiring that the press present responses from persons or parties who believed their reputations had been sullied by media reports, even if the information were correct. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression.

A 13-member Television and Radio Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council continued to be the target of criticism during the year for its lack of initiative and ineffective action in addressing a high profile ownership dispute at the country's largest private television channel. There is also a nine-member Czech Television (CTV) Council charged with oversight of the Public Czech Television. The Council became embroiled in a controversy over political influence on CTV in mid-December when it dismissed the CTV general manager. The council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed management was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. By year's end, the situation had not been resolved.

In January a Prague court dropped charges of defaming a people and inciting racial hatred against far-right National Alliance leader Vladimir Skoupy, who had questioned whether the Nazi Holocaust had taken place (see Section 5).

Charges of slander, assault on a public office, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999 were dropped in March. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police had concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council had argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad (see Sections 1.f. and 5.)."

In September police brought charges of abetting in the commission of a crime against two journalists who refused to reveal their source of information in a case involving an alleged slander campaign against a member of the Government. Such charges are usually brought only in cases in which police have no other means of solving a serious crime, such as murder. Journalists and journalists' professional organizations criticized the charges as an attempt to stifle freedom of the press. In October President Havel pardoned the two journalists, who then called for the case to continue in order to establish a legal precedent on the press' right to protect sources. A state attorney in November agreed to proceed with the prosecution; however, no trial had begun by year's end.

The closely watched false accusation and libel case of Zdenek Zukal continued. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged with slander for publishing documents he knew—or should have known—to be forgeries. Local authorities later changed the charge to false accusation 1 day before a planned presidential pardon. Zukal's trial has been delayed on numerous occasions and was ongoing at year's end.

At year's end, former television reporter Tomas Smrcek was awaiting trial on charges of deliberately endangering classified data. In a 1999 report on possible Czech intelligence service coverup of one of its official's drunk driving offense, Smrcek allegedly showed a classified document on the air. Smrcek faces up to 8 years in prison.

In October the far-right Republican Party (SPR-RSC) brought suit against the Human Rights Commissioner and the Ministry of the Interior for incitement to racial and ethnic hatred. The Ministry, at the proposal of the Human Rights Commission, has made a public tender for grant proposals for a study of the Republican Party (SPR-RSC) and its racist and anti-Semitic policies.

In September a member of the far-right Republican Party (SPRRSC) was sentenced to 10 months in prison and 2 years' probation for spreading racial and national hatred. The man had placed photos of current Czech leaders in a display case with anti-Semitic labels (see Section 5).

In December publisher Michal Zitko was fined approximately \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years' probation for supporting and disseminating hate speech. Zitko had translated and published Adolf Hitler's "Mein Kampf" with no editorial commentary. The police seized 300 copies of the book. Also in December, a state attorney brought similar charges against Vit Varak for selling "Mein Kampf" on the Internet.

In December 1999, President Havel pardoned a Romani woman accused of defaming the Czech nation for comments she allegedly made about the construction of a wall dividing Roma and Czech communities in Usti nad Labem (see Section 5).

The law provides for academic freedom but forbids activities by established political parties at universities.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of persons to assemble peacefully, and the Government respects these rights in practice; however, it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits are normally required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations. In October police detained around 900 antiglobalization protesters rioting outside the IMF/World Bank meetings (see Section 1.c.) and pressed charges against 20 of them.

The law forbids political party activity at universities (see Section 2.a.).

The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for

a political party to be disbanded. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October the Ministry also refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). It also started an investigation into the charter and program of the far-right Patriotic Republican Party.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a church must have at least 10,000 adult members permanently residing in the country. For any churches that the World Council of Churches already has recognized, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. One group, the Unification Church (UC), was denied registration in January 1999 when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC is contesting the decision in court. In July the Ministry of Culture requested a clarification from the Jehovah's Witnesses addressing their beliefs concerning blood transfusions. The Society for the Study of Sects and New Religious Trends, a religious observer NGO, accused the Jehovah's Witnesses of concealing the religion's restrictions on blood transfusions during its 1993 registration process. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

In March and May 1999, the Government established two commissions to improve church-state relations. One is a "political" commission with representation from the main parties currently in the lower chamber of Parliament, and the second is a "specialist" commission composed of experts including lawyers, economists, and church representatives. The commissions advise the Government on church-state relations, the status of churches and methods of their financing, as well as church-related property questions. Members of the commissions also have advised the Ministry of Culture on a proposed new Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. The proposal being considered is modeled on the religious registration law in effect in Austria. It would impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law would also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Currently registered churches would automatically receive second-tier status. The proposed changes have been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and non-governmental observers as prejudicial against minority religions. Some argue that government agencies for the dissemination of information on "harmful sects" assume that the groups on which they maintain such information are automatically suspect, when in fact they are legitimate religious organizations.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-day Saints and Jehovah's Witnesses, are present in the country. Although they proselytize without hindrance within the country, a more restrictive law on visas for resident foreigners has complicated their efforts and drawn criticism. The new law went into effect January 1. It requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

In March the Government negotiated a framework agreement on the protection and preservation of the remnants of a medieval Jewish cemetery uncovered in 1997 at a commercial construction site in downtown Prague. More than 100 sets of remains removed by archaeologists in 1999 were to be reburied at the site. The remaining graves on the site were to be encased in cement. The Government agreed to pay \$1.2 million (45 million Czech crowns) in compensation to the Czech Insurance Company, owner of the site. Twenty-five adjacent parcels believed to contain intact graves from the same cemetery were designated a national cultural monu-

ment. Minister of Culture Pavel Dostal published an editorial piece in July concerning the negotiations over the cemetery that many observers considered anti-Semitic. Dostal denied any anti-Semitic intent. In September the remains were buried in the New Jewish Cemetery in Prague instead. Although the local Jewish community considers the matter settled, some international Jewish groups expressed dissatisfaction at the manner in which the Czech Insurance Company implemented the March agreement.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation, and the Government respects these rights in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September 1999 permits such persons to regain citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees. A new law on asylum that came into effect on January 1 improves refugee processing. It establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. No independent body has been established to handle the appeals of those denied refugee status. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Czech Republic is both a transit and destination country for migrants. The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers are provided for recognized refugees. As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more "Slovaks" to become citizens (see Section 5).

From 1993 to 1999, 20,434 asylum applications were filed, of which 838 received formal refugee status for resettlement. During the year, 8,773 applications for asylum were filed. Through August, 100 applications were approved. In 1999, 79 persons received refugee status out of a total of 7,217 applications. Persons from Afghanistan, Russia, Slovakia, Ukraine, Sri Lanka, and India submitted the most asylum requests during the first half of the year. Of the 441 asylum applicants from the Russian Federation, 212 are Chechens. In addition migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to the West. In 1999 border police prevented 32,325 illegal entry attempts, down by 25 percent from 1998. Through the end of November, 30,651 illegal migrants were stopped at the borders. The camps set up in 1999 for Kosovar Albanian refugees are closed and there is not a significant number of Kosovar Albanian refugees who remain in the country.

A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. Organized rings promoting illegal employment abroad operate with impunity, freely advertising their services in dozens of local papers and on the Internet. In spite of existing legislative gaps, the police are taking action against large-scale trafficking rings under organized crime statutes and a law criminalizing the "illegal crossing of the state border." The authorities are working with neighboring countries to tighten border controls. In December 1999, Parliament passed new legislation on residence and visas. The new law considerably tightens previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. The number of illegal migrants detained by Czech authorities declined by 25 percent from 1998 to 1999, a result of stepped-up efforts and international cooperation. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 1999. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. There were no reports of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change their Government*

The Constitution provides citizens with the right to change their government by democratic means, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in national, regional, and local elections. Elec-



tions for 14 new regional governors and parliaments were held November 12. These were the first elections for the new regional-level administration, created to improve citizens' access to democratically elected institutions. The elections were free and fair but turnout was low. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In October the Ministry denied registration to the far-right National Party because its constitution granted its leader a veto and prohibited its members from joining other associations. In December the Ministry publicly announced that it was conducting an investigation of the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered. A new citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who were enfranchised under the former Czechoslovakia but who were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic. They lacked voting and other rights due to restrictions under the previous citizenship laws (see Section 5). Amendments to the election law passed in July make it possible for nonresident Czechs to vote in national elections for the first time.

The Government of Prime Minister Milos Zeman took office in July 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party, former Prime Minister Vaclav Klaus' Civil Democratic Party, which has formally agreed to support the minority Social Democratic Government under certain conditions, the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. In July the Parliament approved a new system with 35 smaller electoral districts in place of the former 8 large electoral districts. The new law also lowers government subsidies to political parties and raises the percentage of votes needed for parties running in coalition to enter Parliament. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators have challenged the law's constitutionality, complaining that the new law discriminates against small parties and prevents free political competition. An amendment to the party financing law enacted in September over a presidential veto increases the government subsidy to Members of Parliament and Senators. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspension veto to return legislation to Parliament, which then can override that veto by a simple majority of all members.

There are no restrictions, in law or practice, on women's participation in politics; however, they are underrepresented, and relatively few women hold high public office. None of the 16 cabinet ministers in the Government at year's end was a woman. A "shadow" cabinet comprised of prominent women politicians and activists was formed in March. The 200-member Chamber of Deputies has only 30 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member Senate.

No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of national politics, not along ethnic lines; there is no Slovak party in Parliament.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into political life (see Section 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is currently one representative of Romani background in the Parliament.

#### *Section 4. Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights groups operate without government restriction, and government officials generally are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization). There are also many single-issue groups.

During the IMF/World Bank protests in September, members of the nongovernmental legal observer teams (OPH) were not allowed into two facilities where arrestees were being held. Despite agreeing before the protests to an access procedure for OPH observers, police at stations in Branik and Ocelarska Street refused entry to observers. During the investigation of possible police misconduct that followed (see Section 1.c. and 2.b.), the police and Ministries of Justice and Interior were responsive to OPH's views.

In July 1999, Parliament passed legislation needed to create a \$14 million (500 million Czech crowns) endowment to be used by 39 NGO's that work on issues of social welfare, health, culture, education, human rights protection, and the environment. In June the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

Former U.N. Human Rights Commission expert Petr Uhl has served as the Government's Commissioner for Human Rights since 1999. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). A Council for Human Rights with 10 representatives of government ministries and 10 human rights activists was established in January 1999. The Council for Human Rights advises the Government on human rights issues and proposes legislation to improve the observation of human rights in the country.

On December 12, pursuant to legislation passed a year earlier, the Chamber of Deputies elected former Justice Minister Otakar Motejl "Public Rights Protector" or Ombudsman. Motejl, a political independent, resigned from the justice post in October. No Deputy Ombudsman was selected. By year's end, Motejl was still hiring and training staff, opening his office, and beginning public outreach. The Ombudsman will address citizens' complaints of violations of civil and human rights and freedoms by government entities. However, he will have no legal power to sanction offending individuals or offices.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. In November the Government signed the European Charter on Minority and Regional Languages; the Chamber of Deputies continued debate on a law on ethnic minorities at year's end. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing, and women face discrimination in employment.

*Women.*—The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. Public debate about it is rare, despite the efforts of women's groups to focus public attention on the problem. The Government maintains a comprehensive awareness and prevention program designed to address issues of trafficking, abuse, and violence against women. ROSA, an NGO that helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers are university educated. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women are forced into sexual intercourse under threat of violence. Spouses or partners are responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims are attacked by strangers. According to police statistics, there were 500 rapes reported countrywide during the year, although researchers at the Institute estimate that only 3.3 percent of rape victims report the crime to the police. Approximately 80 percent of criminal rape cases are solved. Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of the Interior runs a training program in protocols for investigating family violence and sexual crime cases.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. A total of 54 state-supported shelters with 771 beds are located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there are still not enough shelter spaces to meet the demand.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not exceeding approximately \$100 (3,000 Czech crowns—approximately one fourth of the average monthly wage). Repeated misdemeanor attacks do not result in stricter sanctions on the abuser. The police are training specialized personnel to handle domestic violence; however, they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims.

Forced prostitution (pimping) is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons currently earn a living from the sex industry. Prostitution and sex shops are particularly prevalent in the border regions with Germany and Austria, where international vehicular traffic is heaviest. Trafficking in prostitutes is forbidden by law, and trafficking in women is a problem (see Section 6.f.).

Sexual harassment, long ignored by the media and by society, was the focus of more attention during the year. A new labor law approved in May includes a definition of and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. A recent study commissioned by the newspaper Lidove Noviny noted that nearly half of the country's working women have been subjected to sexual harassment in the workplace. A study by the Defense Ministry in 1996 found that nearly half of female soldiers experienced harassment on duty. The concerns of women's groups over workplace sexual harassment have previously been ignored or dismissed. In 1999, however, a university student became the first woman to win a civil sexual harassment lawsuit.

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, though they are employed disproportionately in professions where the median salary is relatively low. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing. In May Parliament approved legislation banning discrimination in hiring and employment based on sex. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or even attractiveness when making hiring decisions, since this did not necessarily constitute "discrimination" under then current legal interpretation. Employers often openly used such factors as age, sex, and lifestyle in their employment solicitations. July 1999 and May 2000 amendments to the law explicitly prohibit employment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status. Repeated offenses are punishable by fines of up to one million Czech crowns. By midyear, the employment office in Plzen had warned around three dozen companies of discriminatory language in their classified job listings. No fines were levied; the discriminatory passages were removed in each case.

*Children.*—The Government demonstrated its commitment to children's welfare through its programs for health care, compulsory education through age 15 (through age 14 in special schools), and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels. Education is free and compulsory from age 6 to age 15.

Child abuse and trafficking in children (see Sections 6.c. and 6.f.) continued to receive press attention during the year. The conviction of a group of foreigners for

pedophilia was covered widely as were reports of pedophile activities in border areas with Germany. A British disc jockey and three other foreigners were convicted in May on charges of pedophilia and sentenced to 33 months in prison. Press and government reports throughout the year indicated that Central Europe is still a popular destination for pedophiles due to its convenient location and low risk of sexually transmitted disease. Some experts estimate that the number of visits to the country, primarily by West Europeans, for the purpose of abusing children has increased 20 percent since 1997. Dissemination of child pornography, whether by print, video, CD-ROM, or the Internet is a criminal act. In July the Government approved a National Plan Combating Commercial Sexual Abuse, giving the Ministry of the Interior coordinating responsibilities. Laws against child pornography are enforced; in January a Czech was sentenced to 1 year in prison for offering a child pornography CD-ROM on the Internet. Court convictions against persons guilty of child sex abuse are reported routinely in the media.

Since 1990 the number of reported cases of child abuse roughly doubled; this increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimates that the total number of children suffering from physical, psychological, and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. Between 50 and 100 children die each year as a result of abuse and violence within the family. According to NGO's, there are approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Romani children often are relegated to "special schools" for the mentally disabled and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools. In June 1999, the European Roma Rights Center (ERRC) filed a lawsuit with the Constitutional Court on behalf of 12 Romani families in Ostrava, alleging that the disproportionate number of Romani children in special schools constitutes de facto segregation throughout the educational system. The Ostrava Court in October 1999 dismissed the case, stating that despite evidence of a pattern of discrimination, individual cases of discrimination had not been proved since due process with respect to psychological evaluation and testing with parental consent had been followed in each child's case. The Court also ruled that it was not competent to force the Ministry of Education to provide nondiscriminatory education. In April the ERRC took the case to the European Court of Human Rights in Strasbourg; a decision is pending. In February an amendment to the law governing schools eliminated the restriction on "special school" graduates from applying to regular secondary schools (see Section 5).

*People with Disabilities.*—The disabled suffer disproportionately from unemployment, and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education can be a problem, due to the lack of barrier-free access to public schools, although there is at least one barrier-free school in each district. Many buildings and means of public transportation remain inaccessible to those in wheelchairs, although access is improving. In Prague 22 of 48 metro stations and 4 bus lines are accessible to the disabled. A 1994 Economic Ministry regulation and an update to the 1998 Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. These regulations are applied in practice. In July the Government passed a law requiring access for the disabled to all museums. Also in July the Government required the State Fund for Transportation to provide transportation subsidies for the disabled. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Numerous NGO's support social assistance programs to diminish the disadvantages faced by the disabled. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from that of only a few years ago. The integration of the disabled into society has not been the subject of significant policy or public debate.

*Religious Minorities.*—In January a court in Jeseník sentenced Jiri Tuma to 10 months in prison for displaying racist and anti-Semitic symbols in public and propagating a movement that suppresses citizens' freedoms and rights. Also in January a court dropped charges of inciting racial hatred against Vladimír Skoupy, a leader of the National Alliance. At an October 1999 rally, Skoupy had questioned whether the Holocaust had ever occurred. A local prosecutor stated that because Holocaust denial was not illegal (a law passed in September criminalizes Holocaust denial) and because Skoupy's comments were not insulting or belittling, he could not be convicted (see Section 2.a.).

In March Minister of Interior Vaclav Grulich officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic sentiment and publicly questioned the occurrence of the Holocaust (see Section 2.b.). The Patriotic Front, an extreme right-wing association accused of denying the Holocaust, was warned by the Interior Ministry in November 1999 that it was violating human rights and fundamental freedoms. A month later, the Association changed its charter to eliminate offending sections and has made no further public anti-Semitic statements.

At an April rally, members of the National Alliance and another extreme right-wing entity, the Patriotic Front, threatened to deface or remove explanatory plaques installed at the urging of the North American Boards of Rabbis in March on the historic Charles Bridge in Prague. The plaques, in Czech, English, and Hebrew, describe the origin of a medieval sculpture of Christ on the Cross—one of many sculptures on the bridge—that bears an offensive Hebrew inscription.

In December 1999, as part of a display on the struggles of the extremist right-wing Republican Party (SPR-RSC) that was hung in front of the local party headquarters in Decin, photographs of President Havel, Prime Minister Zeman, Civic Democratic Party Leader Klaus, and Freedom Union chairman Jan Ruml were labeled “Jewish Free Masons and Murderers of the Czech Nation.” The exhibit also included a list of “Jews and Jewish Half-Breeds” in politics that included the names of Havel, Zeman, and Klaus. The list was removed a few days later. A member of the Republican Party responsible for the display was arrested in January and in September sentenced to 10 months in prison and with 2 years’ probation for spreading hatred and racism (see Section 2.a.). In December a publisher, Michal Zitko, was fined \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years’ probation for supporting and disseminating hate speech. He had published without editorial comment or annotation a Czech-language version of Hitler’s “Mein Kampf.” (See Section 2.a.) In December a state attorney brought charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms against Vit Varak for selling “Mein Kampf” on the Internet.

The case of a man charged with organizing a ring in Plzen that produced and distributed racist, fascist, and anti-Semitic materials was ongoing at year’s end. In February 1999, police arrested 12 members of the ring and confiscated numerous racist publications, along with membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Charges were dropped against all others involved, but the leader still faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms. In December police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

In February 1999, police in Plzen arrested 12 leaders, producers, and distributors of racist, fascist, and anti-Semitic materials. The raid netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Those arrested were charged with supporting and propagating a movement dedicated to the suppression of the rights and liberties of citizens, an offense punishable by up to 8 years in prison. The owners of the firms charged with having produced the fascist and anti-Semitic materials face the loss of their operating licenses. The case against those arrested is still pending. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

*National/Racial/Ethnic Minorities.*—After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to popular prejudice, as is affirmed repeatedly by public opinion polls. Nearly 65 percent of the respondents in a September opinion poll admitted to an unfavorable opinion of Roma and to racial intolerance, with more than 50 percent saying that there were too many non-Czechs living in the country. A court case charging editors of a Republican Party (SPR-PSC) magazine (leaders of this extreme right-wing party espouse anti-German and anti-Romani policies) with publishing offensive statements against Roma was filed with a Prague district court in January 1998 and was still before the court at year’s end.

The State funds television and radio programs for Roma on public stations and also supports Romani press publications. Until July there was one full-time Romani anchorman on television. He was placed on administrative leave after being charged with tax and welfare fraud and after the resolution of his case did not return to the air. There is one full-time anchorman of Ghanaian background on TV Nova. During the year, more and better information on Romani issues became available in the mainstream press and other sources. A November poll showed that a majority of Czechs (53 percent) believe that the media cover Romani issues well. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first students graduated in February of 1999. There has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study program exist in Usti nad Labem and Brno.

However, efforts by NGO's and individuals in the health and education fields to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are dis-united and where many are reluctant to foster contacts with the majority.

Members of skinhead organizations and their sympathizers most often perpetrate interethnic violence. Roma are the most likely targets of such crimes, although other "dark-skinned" individuals come under the same attacks. An estimated 5,000 skinheads are active in the country. The Documentation Center for Human Rights recorded more than 1,800 racially motivated attacks over the past 8 years, in which nearly 32 persons died. Last year police recorded 364 "racially-motivated or extremist crimes," up from 316 in 1999. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In November 1999, some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 persons were injured. Police subsequently charged 23 skinheads with racially motivated violence; they now face sentences of up to 3 years in prison. In July the trial of the 23 skinheads began; the process is currently ongoing.

In August 1999, some 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytinou, which resulted in injuries to 2 Roma and damage to several cars and houses. The raid lasted approximately 1 hour. The skinheads threw bricks and stones at the Roma while yelling racist epithets. Police charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes. A decision in the case was still pending at year's end.

In July 1999, a group of skinheads attacked a 27-year-old Rom in a bar in Jesenik with pool cues, pool balls, and other objects, as they shouted racial epithets at him. Police charged six persons involved in the attack with defamation of race and disturbing the peace. In January a court ruled that the assault was not an organized attack and therefore the six could not be tried as a group. The court then found four of the attackers not guilty and placed two of them on probation. In July the Justice Ministry filed a complaint before the Supreme Court against the court's decision to try each defendant separately. In August the court overturned the previous verdict and criticized the lower court for its ruling that the attack was not an organized one. The case returned to the lower court for a new decision based on the Supreme Court's instructions.

In a November 1998 incident in the city of Hodonin, a group of skinheads attacked an elderly American citizen for apparently defending a young Rom whom the skinheads were harassing while dining in the same restaurant. After exchanging words with the man, the skinheads waited for him outside, and after a short chase, attacked him and left him seriously injured and unconscious on the ground. The incident was captured by the security cameras of a nearby gasoline station. Charges later were filed against the main attacker. During the trial, the prosecution presented evidence that the defendant had a previous conviction for shooting a pistol into a group of Romani youth in front of a nightclub (he was subsequently pardoned by President Havel). On July 19, a judge convicted him of attempted bodily harm and disturbing the peace, rejecting the more serious charge of assault with racial motivation. He was given a 2-year suspended sentence, the most lenient allowable. The judge also declined to impose any monetary sanction on the defendant. The judge ruled that as the victim had, according to testimony by an expert medical witness, suffered no permanent physical damage (a claim disputed by the victim), a stiffer sentence was unwarranted. In November an appeals court again rejected the prosecutor's contention that race had been a motive in the attack. The court lengthened the sentence by 6 months, still suspended, and 3 years' probation. The court

also imposed on the defendant a fine of \$3,000 (12,000 Czech crowns) to cover the victim's medical expenses.

The sentences of three skinheads found guilty of the 1995 murder of Rom Tibor Danihel were confirmed. The Justice Minister had filed a complaint in 1999 against the High Court for annulling the convictions on technical grounds.

Rom Milan Lacko died in 1998 after being beaten by a group of skinheads, then being hit and killed by a vehicle driven by police officer Marian Telega (see Section 1.c.). In 1998 the skinheads charged with beating Lacko then leaving him in the road were given suspended sentences. The court absolved the attackers of responsibility for Lacko's death, placing the blame on the truck that allegedly hit him. After that acquittal, five skinheads were fined and given prison terms of 12 to 14 months for appearing at the trial wearing swastikas and making racial jokes and insults to the media, the victim's family, and supporters in the courthouse. The case was re-opened in October when experts testified that Lacko had died as a result of being hit by a car driven by a police officer. In December the court sentenced four young men to sentences of 3 years in prison, 1 year in prison, 2 years of probation, and 1<sup>o</sup> years of probation. All four were found to be indirectly responsible for Lacko's death; the one defendant who admitted to attacking the victim was convicted of attempting to cause bodily harm and given the longest sentence. Police officer Marian Telega was given an 18-month sentence and 2-and-a-half-years' probation.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement. In March the Minister of Interior officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment (see Section 2.b.). A 1999 police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. Another extreme right wing group, the Patriotic Front, changed its charter to eliminate offending sections after being warned in November 1999 by the Interior Ministry that it was violating human rights and fundamental freedoms. The raid also netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia. Those arrested were charged with dissemination of fascist propaganda, an offense with a maximum penalty of 8 years in prison. The raid was executed prior to a planned skinhead rally in Line, near Plzen, and forced the cancellation of the event. Charges were dropped against all but the leader, who faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms.

In July a series of attacks against Roma and Romani homes and facilities took place in Rokycany. On July 5, three young men attacked a group of six Roma in Osek, near Rokycany. Two victims were slightly injured. The attackers were charged with race defamation and organized assault. On July 14, an unknown perpetrator broke a window at a Romani community center run by Romani activist Ondrej Gina and threw gasoline into the facility; no fire ignited. The same night, Gina received anonymous racist phone calls and a bomb threat at his home. Also that night, a group of young men on motorbikes threw Molotov cocktails at the house of another Rom, Jiri Gina (no relation to Ondrej Gina). Three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev), were arrested and charged with a racially motivated attack. At year's end, investigation of the case continued; the three accused were not in police custody.

In August a state prosecutor filed charges of tax evasion and welfare fraud against Ondrej Gina; his son, Ondrej Gina Jr.; and Gina Jr.'s wife. Gina Jr., the only Romani anchorman on Czech television, took administrative leave from his job. In October a court halted proceeding against Gina Jr. and his wife after they admitted to having presented false information on their tax return and fraudulently collecting social benefit payments. They agreed to pay back around \$650 (25,000 Czech crowns). Gina Jr. did not return to his previous anchorman position. In November additional charges of fraud relating to management of Romani Community funds were filed against the elder Gina. The investigation against him was ongoing at year's end. Several Romani organizations have accused Rokycany authorities of racism and selective prosecution.

In September three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park (see Section 1.c.). In December two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm.

Other attacks were reported throughout the year. In January in Novy Jicin a man attacked two Roma men at a disco while shouting racial slurs. He was charged with

defamation of a nation or race and with rioting. The case was still pending at year's end. In February a group of approximately 15 skinheads, cheered on by bar patrons, attacked and beat five Roma in a bar in Nachod while shouting racial epithets. One attacker was charged with rioting, but no racial motive was ascribed to the attack by investigators. In July on a road near the village of Osek, three men followed, verbally harassed, and then attacked six Roma. Police charged the three with rioting and defamation of race. Both cases are still pending.

In November media reported on a Romani family in Ostrozska Nova Ves that received racist threats during the year. On one occasion an unknown person broke a window in their home, leaving a letter with a swastika threatening to kill them unless they moved out of town. Police were still investigating the case at year's end.

There were reports of racially motivated Roma-instigated attacks on others during the year. In October a Rom attacked townspeople with a hatchet while shouting racist insults. A July Ministry of Interior report indicated that Roma were the perpetrators in 12 percent of racially motivated attacks in 1999.

In August the founder of an NGO dedicated to improving Czech attitudes towards ethnic minorities received violent, racist threats via e-mail and telephone. In September thousands of Czech mobile phone users received electronic messages on their phones promising free phone time for every Roma they killed.

Racial and ethnic tensions and discrimination in society continued to be the object of much media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In October 1999, local authorities in Usti nad Labem built a wall dividing a Romani apartment complex from its non-Romani neighbors across the street. After a national and international outcry against the wall, the Government negotiated its removal in November 1999, agreeing to provide a grant of \$250,000 (10 million Czech crowns) to improve social conditions in the area. The houses of Czechs who refused to live near the Romani community were bought for \$79,000 (three million crowns); one of the houses was converted into a new police station; the others remain unoccupied. A playground was opened on the street in September and trash is now collected regularly there (neighbors' complaints of children playing in the street and uncollected trash littering the area had led to the proposal of the wall's construction). A portion of the dismantled wall now stands in the municipal zoo. In a February opinion poll, however, three-fourths of those surveyed blamed the wall controversy on the Roma's inability to adapt to rules of normal social behavior. Several NGO-supported projects aimed at improving Czech/Roma relations in the area were started during the year.

In October the Committee for the Compensation of Romani Holocaust Victims unveiled commemorative plaques at the site of a Romani concentration camp in Lety. In 1999 the Government provided \$12,500 (500,000 Czech crowns) for the project when a poll showed that only 11 percent of respondents were willing to assist in financing the Lety Project (and less than one-fourth were aware that Roma were persecuted under the Nazi regime). The Government completed the transfer of archives related to the site to the U.S. Holocaust Memorial Museum. In 1999 the Human Rights Commission recommended the removal of the pig farm built on the site in 1974, yet it remains.

Roma wishing to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics are yet available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. Many Roma are qualified only for lowpaying jobs as manual laborers, since very few complete secondary education. A higher-than-average share of the Romani population applies for partial or full disability pensions due to the occurrence of advanced-stage malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. In June the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community. The plan tasked the Human Rights Commissioner with proposing legislation in 2001 designed to give advantage to Romani firms in placing public orders.

The integration of Romani children into mainstream schools frequently is impeded by language and cultural barriers. Official estimates indicate that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age, after a psychological exam, to "special schools" for the mentally dis-



abled and socially maladjusted. According to unofficial government estimates, Romani children make up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Some Romani parents do not send their children to school regularly due to a fear of violence, the expense of books and supplies, or the lack of a strong cultural emphasis on education among some Roma. In 1999 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools. The lawsuit requested the establishment of a compensatory educational fund, an end to racial segregation within 3 years, and the development of an educational reform plan. However, the Constitutional Court rejected the complaint in November 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April the families took the case to the European Court of Human Rights in Strasbourg; a decision is pending. The Ministry of Education later took steps independently to implement some of the recommended changes. In December 1999, the Parliament revoked the restriction on students in special schools from applying to attend mainstream secondary or upper-level public schools. The legislation was drafted by Parliament's sole Romani representative and constituted a significant step in opening access to higher education to the Romani minority. In addition the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children. Children are assigned to "special schools" based on poor results on the exam.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. More than 100 zero grades now operate throughout the country. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully enter and remain in mainstream schools. Another educational initiative continued placing Romani "assistant teachers" into the primary and special school system. Their function is to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. According to the Ministry of Education, there are now 200 Romani assistant teachers in the school system, which is an increase from 144 last year. In 1999 the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients.

"Roma advisors" or "Roma assistants," created by the Interior Ministry to advise local authorities on Romani issues, now serve in all 73 of the country's district offices and at the Prague, Brno, Ostrava, and Plzen town halls. Over 60 percent of the advisors are Roma. The positions, originally slated for elimination at the time of a scheduled federal restructuring, will continue under the title of "regional advisors for ethnic minorities" beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors' ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of procedural instructions for carrying out their duties and a clear legal mandate.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated into specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. The only Romani Member of Parliament reported having been denied entry to restaurants and clubs on numerous occasions. A civil court awarded her damages this year from a club owner in Brno who had refused her entry. Rokycany pub owner, Ivo Blahout, who in 1995 refused to serve Romani patrons, was fined \$200 (8,000 Czech crowns) in May. He had been acquitted previously three times; he appealed the sentence but no decision had been made by year's end.

There were occasional reports of anti-Roma petitions, which complained that Roma are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In January 400 residents of Karlovy Vary signed a petition against a plan to open a Romani cultural center in the Doubi town district.

Beginning in 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. The numbers applying to the United Kingdom have decreased; most requests for asylum there are denied. Roma began applying in greater numbers for asylum in other European countries such as Belgium, Finland, and the Netherlands, and in New Zealand. An estimated 10,000 Czech Roma have emigrated in the last 3 years. Roma activists state that the motive for the increased emigration is fear of racism, violence, and discrimination. A February poll indicated that 62 percent of Czechs believe the Roma are departing for economic reasons. In December the Government of New Zealand announced the imposition of a visa regime with the Czech Republic effective in 2001 in response to the growing number of Romani asylum applicants. The Honorary Czech Consul in New Zealand reacted by declaring that the Roma were not Czechs. The Ministry of Foreign Affairs strongly condemned his comment.

The Government and some local municipalities reported some success with programs designed to deal with drug addiction and crime prevention in the Romani community during 1999. In December 1998, the Interministerial Commission for Romani Community Affairs was expanded to include 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission has taken an increasingly active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany, as well as promoting positive initiatives in housing, education, and discrimination. The Commission was budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The first group of police trainees completed the national police academy's course in Romani language and culture, designed to facilitate police officers' improved communication and response to the Romani communities in their precincts. One government initiative, the three "Romani-inspector" positions authorized to penalize shop and restaurant owners who refuse service to Roma, has been criticized for ineffectiveness and lack of resources.

In June the Human Rights Commission concluded its seven-month "Project Tolerance" campaign. The \$250,000 (10 million Czech crowns) project consisted of public opinion polls on Czech attitudes towards ethnic minorities and foreigners; "tolerance rides" (information campaigns in which Romani and non-Romani educators visited schools to talk about racism and the history of the different ethnic groups in the country); teacher training; funding for Romani cultural events; and a webpage. The campaign also included a series of billboards, radio, newspaper, and television advertisements designed to promote public discussion of racial tolerance and to improve public opinion toward Roma. In September the commission announced that the project would continue for another year.

In September 1999, Parliament passed a law to allow former Czechoslovak citizens who have lived in the country since 1993 to claim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided continuously in the country since 1993. Certain persons who went abroad for extended periods, including some asylum seekers and those expelled from the country by authorities, may face added difficulty in filing for citizenship under the new law. Roma activists claimed that some local officials are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families in violation of the law. In one case a "Slovak" applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma are also apparently unaware that any changes to the citizenship law have been made.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join unions of their own choice without prior authorization, and the Government respects this right in practice. Union membership continued to decline during the year.

Most workers are members of unions affiliated with the Czech/Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide

umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the right to strike, except for those whose role in public order or public safety is deemed crucial. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail.

There were no major strikes during the year. The Association of Independent Trade Unions, comprised of seven unions, staged a token strike protesting unpaid wages, unemployment, and pension reform in March, blocking a Prague road and halting train service in some areas.

Unions are free to form or join federations and confederations and affiliate with and participate in international bodies. This freedom was exercised fully.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The scope for collective bargaining is more limited in the government sector, where wages are regulated by law.

The 2000 ICFTU Annual Survey of Trade Union Rights alleges that some employers refused to bargain or used obstructive tactics to prevent collective agreements from being concluded.

There are 11 free trade zones. Their workers possess and practice the same right to organize and bargain collectively as other workers in the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children, and it generally is not used; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Sections 6.d. and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. These prohibitions are enforced in practice. The law prohibits forced or bonded labor by children, and the Government effectively enforces this prohibition (see Sections 6.c. and 6.f.). However, trafficking in children is a problem. Employment conditions for children aged 15 to 18 are subject to strict safety standards.

*e. Acceptable Conditions of Work.*—The Government sets minimum wage standards. In June the Government increased the minimum wage by 500 Czech crowns to 4,500 per month, about \$113. Due to currency exchange rate shifts, this represented no change in dollar terms from the minimum wage of a year ago (approximately \$115 or 3,600 Czech crowns). The monthly average is approximately \$337 (13,473 Czech crowns) per month. Average net wages are 2.8 times as high as official sustenance costs. The minimum wage provides a sparse standard of living for a worker and family, although allowances are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. The enforcement of minimum wage standards was not a problem during the year.

In May the standard workweek was reduced to 40 hours from 42<sup>o</sup>, effective January 1, 2001. It also requires paid rest of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year of 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health, but conditions in some sectors of heavy industry are problematic, especially those awaiting privatization. Industrial accident rates are not unusually high. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

*f. Trafficking in Persons.*—Specific laws prohibit trafficking in women and children, and trafficking in women and girls for the purpose of forced prostitution is a problem. The Czech Republic is a source, transit, and destination country for trafficking in persons from the former Soviet Union, Africa, Asia, and the Middle East. Czech women and girls are trafficked to Western Europe, such as to Germany. Organizing prostitution or pimping also is illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) There have been numerous convictions of traffickers as a result of proactive investigative efforts on the part of law enforcement officers. The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws. In February the

Czech office of the International Organization on Migration (IOM) completed the first stage of an extensive information and media campaign aimed at educating women about avoiding entrapment in trafficking for prostitution schemes and providing information on organizations that assist victims of trafficking.

In March, 13 people were arrested in West Bohemia for luring women from Russia, Bulgaria, and Ukraine and forcing them into prostitution, among other charges. Also in March, a raid in Austria broke up an international ring that trafficked Czech and Hungarian women into prostitution. Police maintain close contact with the IOM and other NGO's in order to provide services to women left penniless and homeless after trafficking arrests.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the May conviction of a group of foreigners for pedophilia was covered widely, as were the cases of several German citizens who were detained in cities near the Czech-German border and who reportedly had traveled regularly to the Czech Republic for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sex tourism" more effectively. Police maintain patrols in high-risk areas, enforce curfew-type policies more actively, and work to raise public awareness of the issue through the media. In two separate cases in February, men in the Teplice region were arrested for providing Czech children to German pedophiles. Despite increased police efforts, press reports still indicate that in many border regions sexual tourism with adolescents continues. In November police conducted raids at 7 nightclubs in 4 districts of the country, arresting 10 persons.

## DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, accountable to the unicameral Parliament (Folketing), leads the Government. A Social Democrat-led minority coalition remained in power following a narrow election victory in 1998. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintain effective control of the security forces.

Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metalworking. A broad range of industrial goods is exported. The economy provides residents with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. The Government is taking serious steps to deal with violence against women. Trafficking in women is a problem.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. But in July the U.N. Committee Against Torture criticized the Government for the number of prisoners held in isolation and the length of time spent in isolation. In response the Government revised prison rules on the length of isolation permitted and the reasons for assigning isolation. Previously all prisoners who refused to participate in work programs were isolated. Under the new rules, the percentage of prisoners in isolation dropped from 9.8 percent in 1999 to 3.7 percent in 2000.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice.

A permit is required for public demonstrations, but the Government uses objective criteria in evaluating requests and does not discriminate in issuing permits.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government respects this right in practice. It also provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

The Government does not require that religious groups be licensed, but the State's permission is required for religious ceremonies, for example, weddings, if they are to have civil validity. And registered religions enjoy certain tax exemptions. In 1999 an independent, government-appointed Council published guidelines for future approval of religious organizations that are linked to the 1969 Marriage Act. The guidelines established clear requirements that religious organizations must fulfill, which include providing a written text of the religion's central traditions; descriptions of its most important rituals; an organizational structure accessible for public control and approval; and constitutionally elected representatives who can be held responsible by authorities. Additionally, the organization must "not teach or perform actions inconsistent with public morality or order."

Scientologists continued to seek official approval as a religious organization. Their first application for approval was made in the early 1980's and rejected; the second application was made in mid-1997 and withdrawn in early 1998. The second application was resubmitted in 1999 and withdrawn again in early 2000, shortly before a decision by the Government was expected. In withdrawing the application, the Church of Scientology asked the Ministry of Ecclesiastical Affairs for additional time to respond to reports about Scientology that had appeared in the media. By year's end the application had not been resubmitted.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to 2,099 persons in the first 6 months of 2000 and to 4,526 persons in 1999. A total of 9,627 asylum applications were filed during the year, compared with 6,950 in 1999. There were no reports of the forced expulsion of refugees to a country where they feared persecution or of those having a valid claim to refugee status.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

Women are increasingly well represented at all levels of government. In the current government, 9 of 20 ministers are women, as are 67 of the parliament's 179

members. There are two parliamentarians of mixed ancestry from Greenland and an ethnic Turkish parliamentarian.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The law prohibits discrimination on the basis of sex, and the Government enforces it effectively. Discrimination on the basis of race is covered by two laws, which prohibit racial slander and denial of access to public places on the basis of race. The rights of indigenous people are protected carefully.

*Women.*—Violence against women is a problem, and the Government is taking steps to combat it. An umbrella nongovernmental organization reports that in 1998, women's crisis shelters were contacted approximately 9,000 times, compared with 9,961 times in 1997. A total of 2,054 women stayed at shelters during 1999, compared with 1,934 women in 1998. There were 355 reported rapes in the first 9 months of 1999, compared with 346 in all of 1998. Rape, spousal abuse, and spousal rape are all criminal offenses.

The law requires equal pay for equal work, but some wage inequality still exists. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those so affected. Women hold positions of authority throughout society, although they are underrepresented in senior business positions. Women's rights groups effectively lobby the Government in their areas of concern, such as wage disparities and parental leave.

Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

*Children.*—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. Education is compulsory through the age of 16 and is free through the university level. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Folketing passed legislation that banned the physical punishment of children by adults, including their parents.

*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government enforces these provisions in practice.

*Indigenous People.*—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly, it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the government unjustly resettled Greenland Inuits in 1953 in order to accommodate the expansion of a U.S. Air Force base in northwest Greenland. The court ordered the government to pay compensation to the displaced Greenlanders and their descendants. The compensation is substantially less than the defendants sued for, and the case was still under appeal in the Supreme Court at year's end. In 1999 the office of Prime Minister Poul Nyrup Rasmussen issued a joint declaration with the home rule chairman of Greenland apologizing for the way the decision on the resettlement was reached and the manner in which it was carried out.

*National/Racial/Ethnic Minorities.*—The inflow of ethnically and racially diverse refugees and immigrants has provoked a degree of tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, and Sri Lankans until 1992; more recently refugees are overwhelmingly from Somalia or the former Yugoslavia). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, Parliament passed tighter immigration laws, which took effect in 1999. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in the country for 18 months; rather they must now reside for 3 years and

demonstrate that they have integrated into society. Additionally, they receive a special integration allowance that is 20 percent lower than the social benefits that citizens receive. Critics claim that this provision violates the 1951 U.N. Convention Relating to the Status of Refugees. In response to a perception of high criminality by asylum applicants, in September the Interior Minister suggested that convicted offenders (who did not receive jail time for their offenses) be isolated on one of the country's deserted islands. The proposal provoked a mixed response from parliamentarians but an overwhelmingly positive approval rating from average citizens. At year's end, the subject still was being debated, but the Government had taken no action.

Incidents of racial discrimination and racially motivated violence occur but are rare. The Government effectively investigates and deals with cases of racially motivated violence. On September 9, two persons threw firebombs at an asylum center in the town of Holeby. The fire was brought under control, and no one was injured, but the event nonetheless upset the asylum applicant community. No one was arrested or charged in the crime.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties. All unions except those representing civil servants or the military have the right to strike.

Unions may affiliate freely with international organizations, and they do so actively.

*b. The Right to Organize and Bargain Collectively.*—Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and its proposal is voted on by management and labor. If the proposal is rejected, the Government may force a legislated solution on the parties (usually based upon the mediators' proposal). The agreements, in turn, are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or bonded labor, by adults or children, is prohibited by law, and this prohibition is enforced effectively by the Government. However, women are trafficked for the purpose of forced prostitution (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor. Forced and bonded child labor is prohibited and does not occur (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in August.

*e. Acceptable Conditions of Work.*—No national minimum wage is mandated legally, but national labor agreements effectively set a wage floor. The lowest wage paid is currently about \$10 (82 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. A 37-hour workweek is the norm, established by contract, not by law. However, the law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons pro-

duction without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons, but the penalties are not severe. Trafficking in women for the purpose of forced prostitution is a problem. In October the Government rejected a proposal to harmonize trafficking penalties in the European Union at 8 years' imprisonment because it believed Danish sentencing rules were sufficient. The authorities cooperate with international investigations.

Trafficking involved the importation of women mostly from Eastern Europe and Southeast Asia, some of whom were lured by the prospect of higher wages and a better life, but found themselves forced into prostitution. The perpetrators usually were suspected of being part of organized crime. No statistics were available on how many women are involved in prostitution.

In June a regional conference on trafficking generated considerable public debate that carried over into the Parliament. In December, the Government set up a working group in the Ministry of Gender and Equality to address trafficking; a report is expected in 2001. Several Parliamentarians proposed changing the law regarding trafficking to make the penalties much more severe. To illustrate the light sentences, in the spring, a trafficker who received his second conviction for trafficking several Colombian women into the country was sentenced to only 8 months in jail.

The Government does not provide medical or legal assistance directly to victims, and there is no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provide these services on an ad hoc basis. In July one nongovernmental organization assisted a Colombian trafficking victim in a precedent-setting case in which the woman testified against her traffickers and subsequently received asylum in Denmark.

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## ESTONIA

Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The judiciary is independent.

Efforts to develop and strengthen a Western-type police force committed to procedures and safeguards appropriate to a democratic society are proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of post-1992 reforms, the European Union in 1998 invited Estonia to begin accession negotiations. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government is working on privatizing the remaining state-owned infrastructure enterprises.

Economic growth increased after a slowdown due to the 1998 Russian financial collapse, with experts predicting gross domestic product (GDP) growth of between 3 and 5 percent in 2000. Per capita GDP is about \$3,536 per year. Some 90 percent of exports (textiles, food products, wood, and timber products) now are directed to western markets. Unemployment is about 14 percent but is significantly higher in rural areas and in the northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees and the use of excessive force by the police. Prison conditions are poor; however, the Government began a multiyear program to improve them. While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.



## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

In 1998 President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940–91. The Commission began work in 1999 and held three formal meetings during the year. In November 1999 the Commission authorized sending an investigator to study materials in the Russian and German archives on this subject; it met again in June and November 2000.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells (“kartsers”) continued to be used, in contravention of international standards.

Prison conditions remained poor, although there were some improvements. By mid-year the prison population was a record 4,800 inmates. A lack of funds and trained staff continued to be serious problems. Overcrowding was reported in every major prison except one. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government refurbished some prison buildings. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly since the Government implemented new programs. As of August, 162 prisoners were released in the calendar year under the Government’s early release program for prisoners. One prisoner was killed by another during the year.

The Government began to implement a multiyear plan to refurbish and restructure all of the country’s prisons. The State Assembly, in addition, adopted a law authorizing the construction of a prison in Tartu that will be largely financed by the Nordic Investment Bank. However, a plan to close the overcrowded and antiquated Tallinn Central Prison was scrapped.

The Government permits human rights monitors to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and laws forbid arbitrary arrest and detention, and the Government generally observes these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Police rarely violate these limits. By late August, 1,382 of the 4,744 prisoners were awaiting trial.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution establishes an independent judicial branch, and the judiciary is independent in practice. The judiciary operates through a three-tier court system: Rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and State Courts are also courts for “constitutional supervision.” At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who then are appointed by the President. Judges are appointed for life.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The State Assembly rejected a proposal for an independent ombudsman. The chancellor-ombudsman is to handle complaints by private citizens against state institutions; however, the position of chancellor was vacant at mid-year.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

The Government continued to overhaul the country’s criminal and civil procedural codes. An interim Criminal Code that went into effect in 1992 basically revised the

Soviet Criminal Code by eliminating, for example, political and economic crimes. This code has been amended several times, most recently in June. The Code of Criminal Procedure was adopted in 1994.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires a search warrant for the search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Government respects constitutional provisions providing for freedom of speech and of the press. Four major national Estonian language and two Russian-language dailies are published, in addition to important weeklies. Foreign newspapers and magazines are available widely. All newsprint, printing, and distribution facilities are private companies.

In a well-reported 1997 case, a prominent journalist was tried and convicted for insulting the spouse of a prominent politician in a newspaper interview and was fined. All levels of the judiciary upheld the sentence. The European Court of Human Rights agreed in 1998 to hear the case, but it was still pending at mid-year.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. The prohibition on campaign posters written in a language other than Estonian resulted in protests by one political party.

State (public) broadcast media, including one nationwide television channel (Estonian Television/ETV), continue to receive large government subsidies. At the same time, ETV broadcasts commercials. Although a basic decision has been made to combine ETV and Estonian (state/public) Radio into one entity, no real movement toward that end has taken place. The Estonian Broadcasting Council fired the director of ETV in 1999 for management failures, because of ETV's financial difficulties, and for "undisciplined behavior." The courts said that he could not be fired, whereupon he returned to work but finally resigned during the year. A new general director, with a background in banking, was appointed in the summer.

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private/commercial television channels. The Government has played a key role in encouraging Russian-language programs on state television. Over the past 3 budgetary years, the ability of ETV's Russian-language department to create self-produced, high-quality programs has been reduced greatly due to the Government's large cuts in the department's budget. Russian state television, Ostankino programs, and commercial channels in Russia are widely available by cable.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies.

The Constitution provides for the right of free association, and the Government respects this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

The majority of citizens are nominally Lutheran, but following deep-seated tradition, there is wide tolerance of other denominations and religions. Persons of varying ethnic backgrounds profess Orthodoxy, including communities of the descendants of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should

have claim to the EAOC name. Representatives of the Moscow and Constantinople Patriarchates agreed in 1999 that the Moscow Patriarchate would register under a new name. In July the Moscow Patriarchate submitted a new name proposal, but the Interior Ministry rejected it on the grounds that a close reading of the registration papers revealed variations of the name. Throughout the dispute, worship has occurred freely in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law permits free movement within the country, and it is honored in practice. The law also provides for the right of foreign travel, emigration, and repatriation for citizens. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

The Government does not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens are ethnic Russians. In 1994 the Government began issuing alien passports, which are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) Persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents from their country of origin or from another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government already has approved the issuance of alien passports to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By November 30, 108,982 persons had applied for alien passports, and 122,152 alien passports were issued, including prior years.

The Government deported a relatively small number of illegal aliens, usually those caught in criminal acts. A total of 10 illegal aliens were held as internees by September, pending deportation or a court order granting them residence. Internees are held in a wing of a regular prison. In 1999 Finland and Estonia entered into a cooperation agreement to construct a new facility for illegal aliens and asylum seekers in East Viru County.

Domestic law is in conformity with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1999 the State Assembly passed amendments to domestic refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, and established a state registry for asylum. Also, starting on October 1, 1999, temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement. Asylum applicants come under the overall annual 0.1 percent quota for immigrants (not including Westerners, who are exempt from the quota). The program began as scheduled, and as of December 1, 2000, 47 persons had applied for asylum, of whom 10 were still waiting for a reply. Of the applicants processed, 4 were granted asylum, 15 left the country, and 1 died. The Citizenship and Migration Board turned down the remaining 18 applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the right to change their government. In March 1999, free and fair elections to the State Assembly were held. The new Government is a coalition of the Pro Patria, Moderate, and Reform Parties. Four ethnic Russians are Members of the State Assembly. Indirect presidential elections were held in 1996. When the State Assembly failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of Members of the State Assembly and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Only citizens can vote in parliamentary elections and be members of political parties. However, according to law, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but not run for office in local elections.

Approximately 1.1 million of the total population of 1.43 million are citizens. Of those, approximately 113,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits number approximately 300,000, 80 percent of whom are ethnic Russians. Illegal residents number 30,000 to 50,000 persons, mostly ethnic Russians; they are not included in the census figures.

In 1995 the State Assembly adopted a new Citizenship Law that extended the residency requirement for naturalization from 2 to 5 years and added a requirement

for knowledge of the Constitution and the Citizenship Law to the requirement for Estonian language capability. Persons who were legal residents in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. In 1998 the Citizenship Law was amended to grant citizenship to stateless children born after February 26, 1992, to legally resident stateless parents (upon the parents' or guardians' application). As of September 1, parents had applied for citizenship for 539 such children: 427 of the applications were approved.

On October 1, 1999, the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who have not departed the country subsequently. In April the State Assembly approved an amendment to the law on aliens under which the annual immigration quota will not be applied to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition the amendment also states that the quota will not apply to children up to 15 years of age if the parents are applying for a residence permit.

By law the following classes of persons are ineligible for naturalization: Those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and August 1, 112,822 persons received citizenship through naturalization. The vast majority of these persons, 87,712, were naturalized by the end of 1996. In 1997 the Russian embassy reported that some 120,000 persons had obtained Russian citizenship; however, the Embassy declined to supply the Government with a list. The number of Russian citizens may be lower since the Russian Embassy does not appear to keep records of those who die or leave the country. As of November 30, the Government had issued 116,289 permanent and 29,482 temporary residence permits. During the year a surge in noncitizens filing for or renewing residency permits resulted in long lines and delays at overtaxed registration offices. The problems precipitated the dismissal of the director of the Citizenship and Migration Board.

While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language-training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent of persons pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. Among the 101 Members of Parliament are 18 women. Two ministers are women. There are four ethnic Russian deputies in the State Assembly. The law was amended in 1999 to place language requirements on Members of Parliament; Russian speakers protested.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of the poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in the country and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. In 1997 the Institute established an information center in the heavily ethnic Russian town of Kohtla-Järve. In addition, because of tensions surrounding

the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russianspeaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. Also, with initial funding from the Danish Government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination for any reason; however, reports continued of discrimination against ethnic Russian residents. The Government reports that no court cases charging discrimination were filed during the year.

*Women.*—Violence against women, including spousal abuse, continued to be the subject of increasing discussion and media coverage and is reportedly common. Rape and attempted rape occur relatively infrequently. In the first 8 months of the year, there were reports of 29 rapes and 7 attempted rapes, compared with 50 rapes and 29 attempted rapes for all of 1999. However, studies show that 40 percent of crime in the country goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998. Although women have the same legal rights as men and, in theory, are entitled to equal pay for equal work, this is not true in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Women constitute slightly more than half of the work force. They also carry major household responsibilities.

*Children.*—The Government's strong commitment to education is evidenced by the high priority that it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals.

There is no societal pattern of child abuse, but studies, including one published by the local U.N. Development Program office during the year, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 7 months of the year, police registered 22 cases of sexual abuse involving 13 female victims and 9 male victims, all below age 16. In the same period, there were 31 cases of procurement for prostitution of victims younger than 16. Also in the first 6 months of the year, there were 2 rape cases in which the victim was younger than 14.

*People with Disabilities.*—While the Constitution contains provisions to protect disabled persons against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable the disabled to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies. In June the State Assembly adopted amendments to the Citizenship and Aliens Law that make it possible for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

*National/Racial/Ethnic Minorities.*—The country's population is 1.43 million. Ethnic Russians total approximately 29 percent, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants now compose approximately one-third of the total population; about 40 percent of them were born in Estonia. Approximately 8 percent of the population of the pre-1940 Republic was ethnic Russian.

The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities. The President's Roundtable also continued to work toward finding practical solutions to the problems of noncitizens. The Government during the year instituted an integration program for the years 2000–07 aimed at fostering the integration the non-Estonian-speaking portion of the population into Estonian society.

The Law on Cultural Autonomy for citizens belonging to minority groups went into effect in 1993. The tradition of protection for cultural autonomy dates from a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can participate

fully in ethnic organizations and that the law includes subsidies for cultural organizations.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Despite repeated Russian allegations of human rights violations against the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities declared that they could not find a pattern of human rights violations or abuses in the country. The Government in 1998 addressed two outstanding recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and passing legislation to grant automatic citizenship to children born after February 26, 1992, to resident stateless persons upon parental application. Also, at least 10 nongovernmental organizations develop and implement local programs to assist the integration of non-Estonians into society.

Russian government officials and parliamentarians echoed these charges of discrimination in a variety of forums. In 1998 the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the subgroups of the commission would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. Although there has yet to be a formal session of the commission, its cochairs met in St. Petersburg in July.

Other than for land ownership, the 1993 Property Ownership Law does not distinguish between citizens and noncitizens for purposes of business or property ownership. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership now is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. As originally passed, the Law on Public Service required state employees to be proficient in Estonian in 1995. In December 1995, the State Assembly amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of employees with inadequate Estonian remained high. On February 9, 1999, the State Assembly again amended the Law on Language, requiring that all public servants, service personnel, and sole proprietors be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. On July 27, 1999, the Government issued the implementation decree for the amendments to the language law regarding public sector employees as well as those employed in the medical profession. Some 150 ethnic Russian prison officials are expected to be fired in January for noncompliance with the language requirement.

Following several rounds of consultations with European Commission experts, the Government presented, and the State Assembly approved on June 14, amendments to the Language Law that brought it into conformity with European Union (EU) recommendations regarding language requirements for persons working in the private sector. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law established a requirement of proficiency in the Estonian language if it was in the public interest. The OSCE Commissioner for National Minorities concluded that the amended law was largely in conformity with Estonia's international obligations and commitments.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level in 4 years. Estonian language training is available; however, some claim that it is too costly. Some Russian representatives have asked for free language training. They have charged also that the language requirement for citizenship is too difficult. There has been a proposal to make the language requirement less rigorous. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed. The government office that conducts language examinations was forced to close for several months because of funding shortfalls. An EU program exists to reimburse language training costs for those who pass the examination.

In districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled by law to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Two court cases begun in 1998 were resolved in May, when a court acquitted the leader of a Russian military pensioners' group in northeast Estonia and three other activists of charges that they fomented racial hatred by staging demonstrations. The pensioners' leader organized an unauthorized assembly in the city of Sillamae and claimed that the human rights of the Russian pensioners in the region were abused by the Government.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions. The EAKL has 58,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL in 1993 and has 45,000 members. A central union of food processing and rural workers was established in 1997. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. In June 5,000 energy, metal, and mining union workers staged a protest action in Ida-Virumaa county.

Unions may join federations freely and affiliate internationally.

*b. The Right to Organize and Bargain Collectively.*—While workers have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the country's post-Soviet era Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code principles prohibit antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution forbids forced or bonded labor. The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with studies, and must be included on a Government-prepared list. Government authorities effectively enforce minimum age laws through inspections. There were no reports of forced or bonded labor by children in enterprises (see Section 6.c.); however, there were instances of families forcing their children to engage in peddling or begging.

*e. Acceptable Conditions of Work.*—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$82 (EEK 1,400). The minimum wage is not sufficient to provide a worker and family with a decent standard of living. About 5 to 6 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about \$296.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. The labor unions also have occupational health and safety experts who assist workers to bring employers in compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, the existing criminal codes regarding kidnaping, extortion, and involuntary prostitution are used to address this problem. There were no official reports during the year that persons were trafficked in, to, or from the country. However, it is generally understood that job advertisements placed from abroad that request females are in some cases associated with international prostitution rings.

The Government concluded several interstate cooperation agreements concerning fighting crime including human trafficking. It also concluded several bilateral agreements on the extradition of Estonian citizens accused of trafficking in other countries.

## FINLAND

Finland is a constitutional republic with an elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The security apparatus is controlled effectively by elected officials and supervised by the courts.

The economy is mixed but primarily market based. It provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address the problem of violence against women. There were reports of trafficking in persons.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges.

The law provides for the right to fair public trial, and the judiciary vigorously enforces this right. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Nontraditional religious groups freely profess and propagate their beliefs. Such groups are eligible for some tax relief (e.g., they may receive tax-free donations), provided they are registered with the Government as religious communities. The Government's procedures for recognizing religious communities remained under review at year's end. About 87 percent of the population belongs to two state churches, the Lutheran and the Orthodox. All citi-



zens belonging to one of these state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of operating the state churches. Those who do not want to pay the tax must notify the tax office.

Such groups as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints have been active in the country for decades. In 1998 the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community. This was the first time that an applicant had been denied church status. The Scientologists' application was pending for nearly 3 years while the Government awaited additional information that it had requested from the association. The association acknowledged that it had not responded to the Government's request. The Education Ministry's decision can be appealed to the Supreme Administrative Court. The Scientologists have not yet done so, but they have indicated that they may begin the process anew and reapply for recognition as a church.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. The issue of the provision of first asylum has never arisen. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

A total of 3,106 persons applied for asylum in 1999, up from 1,272 in 1998. As many as 1,516 of them were Slovakian Roma. By August 20, 2000, 2,472 persons had already submitted their applications for asylum. Of these applications, 1,192 were submitted by Polish Roma. In 1999 the Directorate of Immigration processed 2,725 applications, awarding asylum to 29 persons and residence permits to 467. Government officials attribute the sharp increase in the number of asylum seekers from 1998 to the first half of 2000 to two factors: the 1999 fighting in Kosovo and the increase in 1999–2000 asylum applications from Slovakian and Polish Roma. The Government imposed a visa regime on Slovakian citizens in July 1999. Although the restriction was lifted in November of that year, it was reimposed in January 2000 for 6 additional months after a large number of Slovakian Roma again entered the country and requested asylum.

On July 10, a new asylum law took effect, under which immigration authorities must process an application within 7 days of the initial asylum examination. Asylum seekers who are rejected have 8 days in which to appeal the decision, after which time they are deported. This law is expected to decrease the number of asylum seekers substantially. Under the previous system, the processing of applications could take over a year. If the applicant received a negative decision, the processing of the appeal could take several years. Some members of the public and even politicians within the ruling coalition opposed the new law, citing the short period during which asylum seekers can appeal the rejection of their application. However, the Government defended the law by stating that it only can provide public resources and services to asylum seekers who have legitimate concerns about their safety and welfare in their home countries. Particularly in regard to Slovakian and Polish Roma, officials noted that the two source countries were aspirants for European Union (EU) membership and pointed out the contradiction of supporting Slovakia and Poland for EU membership while also offering asylum to their citizens.

In 1999 a law went into effect to promote the integration of immigrants into society. This law is unrelated to the new statute governing asylum procedures; it is aimed instead at assisting those who have been granted asylum.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are increasingly well represented at all levels of government. There are 75 women in the 200-member Parliament, and 7 in the 18-member Cabinet. The President, who is elected directly, and the Speaker of Parliament are women. A 1995 law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

*Women.*—Violence against women is a problem, and the Government is taking steps to combat it. Police statistics for 1999 recorded 2,825 cases of domestic violence, 117 more than the previous year. Of the victims, 2,290 were women, and 535 were men. A total of 514 cases of rape were reported to the police in 1999, compared with 463 in 1998. Government experts say that as many as half, if not more, of all rape cases may go unreported. The law specifically criminalizes rape, spousal rape, and domestic abuse. The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision.

The number of calls to the police concerned with domestic violence is not compiled centrally but is estimated at 10,000 to 12,000 annually. Shelter officials state that the figure represents less than half of the number of actual incidents. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship. Nearly one-third are immigrants.

The Union of Shelter Homes as well as the municipalities maintain homes all over the country for female, male, adult, and child victims of violence. The total number of shelters is around 20. The criteria for what counts as a shelter has changed. In the past battered persons in need of shelter could be given keys to apartments where they could spend the necessary length of time prior to returning home. These apartments were included in the 1999 statistics. Now, the minimum requirement for a shelter is 24-hour staff.

A study published in 1998 indicated that the typical victim of family violence is a young woman between 18 and 24 years of age who is married or is living in a common law relationship. The study concluded that every fifth married woman or woman involved in a common law relationship has suffered from violent behavior at the hands of her partner. The study also concludes that as many as 40 percent of all women over the age of 15 have experienced some form of family violence. (The study considers psychological and verbal abuse as "violence.")

In 1997 the Government began a special program to promote women's equality during the period from 1997 to 1999. This program consisted of 30 projects, 1 of which focused on violence against women and domestic violence. The project against violence offered nationwide support for women in need and for men to combat their own tendencies to resort to violence. This project has been regarded as the most significant component of the women's equality program in that it has helped to break the taboo about the subject. The program may be renewed once the Government evaluates the results. The Government also promised to maintain a program against prostitution and violence until 2002.

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life, the latter particularly in the determination of remuneration. In 1985 the Parliament passed a more detailed comprehensive equal rights law that mandates equal treatment for women in the workplace, including equal pay for "comparable" jobs. In practice comparable worth has not been implemented because of the difficulty of establishing criteria, but the Government, employers, unions, and others continued to work on implementation plans. Women's average earnings are 82 percent of those of men, and women still tend to be segregated in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remain male dominated. Some 60 percent of physicians are women. Women serve in the armed forces. The Government's equality ombudsman monitors compliance with regulations against sexual discrimination. Of the 63 complaints processed by the Ombudsman between January 1 and June 30, 10 cases were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

There were reports of trafficking in women (see Section 6.f.).

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no pattern of societal abuse of children, and the national consensus supporting children's rights is enshrined in law.

There were reports of trafficking in children (see Section 6.f.).

*People with Disabilities.*—Although since the 1970's the law has required that new public buildings be accessible to people with physical disabilities, many older buildings remain inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to vehicles. Local governments maintain a free transport service that provides a minimum of 18 free trips per month for a disabled person. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to the severely disabled.

*Indigenous People.*—Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions that provide for the protection of minority rights and customs. Sami language and culture are supported in the Constitution and financially by the Government. Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights and are able to participate in decisions affecting their economic and cultural interests.

In 1998 the President issued instructions on implementing an EU directive on the use of minority and regional languages. The directive's purpose is to ensure that the use of minority languages is permitted in school, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities. The Sami language belongs to the category of a minority language used regionally.

*National/Racial/Ethnic Minorities.*—The number of immigrants rose from 18,000 in 1987 to 90,000 in 2000. Concurrent with this increase, concern has arisen about increasing expressions of racist and xenophobic behavior. Antiforeigner or racist violence has been reported. Leading government figures, including the President, have condemned such violence. The Government is attempting to address this problem in part through an indepth study of attitudes toward different ethnic groups. The government study examines discrimination in working life, looks into popular attitudes toward foreigners, and charts the attitudes of those authorities involved in immigration affairs—police, teachers, social workers, border guards, and employment office personnel. The popular attitudes survey found that half of those interviewed acknowledged some feelings of xenophobia or prejudice. The study continued at year's end.

While the Government implemented new legislation during the year making it somewhat more difficult to gain political asylum (see Section 2.d.), other government-sponsored initiatives were aimed at improving the situation of noncitizens. In 1999 a law promoting the enhanced integration of immigrants into society went into effect. In addition the Government in 1997 issued policy guidelines for promoting tolerance and combating racism.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government respects these provisions. About 87 percent of the work force is organized. All unions are independent of the Government and political parties. The law grants public sector employees the right to strike, with some exceptions for the provision of essential services. In the first half of the year, there were 72 strikes (most of them minor and brief), of which 58 were wildcat strikes.

Trade unions freely affiliate with international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government. The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are enforced adequately.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and this prohibition generally is observed in practice; however, there were reports of trafficking in persons (see Section 6.f.). The law prohibits forced and bonded labor by children and adults, and such practices do not exist. The Government enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children (see Section 6.c.). Youths under 16

years of age cannot work more than 6 hours a day or at night, and education is compulsory for children from 7 to 16 years of age. The Labor Ministry enforces child labor regulations. There are virtually no complaints of the exploitation of children in the work force. The Government ratified ILO Convention 182 on the worst forms of child labor in January.

*e. Acceptable Conditions of Work.*—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in the respective industrial sector. These minimum wages generally afford a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy even stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty.

*f. Trafficking in Persons.*—The law does not explicitly prohibit trafficking in persons, although existing statutes address a range of trafficking-related crimes, and there were reports that trafficking occurred. Finland is a secondary destination-transit country for such trafficking. The Government believes that most such trafficking involves women and girls for prostitution. The Government and nongovernmental organizations are making a considerable effort to counter trafficking, e.g., through the Government's leading role in the EU's antitrafficking "STOP" project.

## FRANCE

France is a constitutional democracy with a directly elected president and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. The police committed one extrajudicial killing. There were instances of the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline; however, in October there were over 100 anti-Semitic incidents, including firebombings. The Government has taken important steps to deal with violence against women and children. The Government took steps to combat trafficking in women.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of politically motivated killings by government officials.

Law enforcement officers have used excessive force particularly directed against immigrants—resulting in deaths, although there is no evidence of a pattern of such abuses.

In April a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and that he was firing in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty, detained, and was charged with murder. The case was under investigation at year's end. The incident was followed by peaceful daytime demonstrations in Lille to protest the killing, and 3 nights of rioting.

There were no developments in the judicial investigation of a police officer who shot and killed 17-year-old Habib Mohamed in Toulouse in 1998. Mohamed allegedly staggered away injured after being shot. The police officers involved reportedly failed to follow him, and also failed to follow required procedures to report that their weapons were fired. The investigation continued at year's end.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died following police intervention in a violent domestic disturbance, continued at year's end. The police had fired rubber bullets at Saoud and restrained him physically.

In February the public prosecutor recommended to the investigating judge that no charges be brought against two of the police officers involved in the 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane. In March the investigating judge disagreed, and ruled that the police officers should be tried by the Court of Assizes. In October the chambre d'accusation (the prosecuting chamber of the criminal court) of the Paris Court of Appeals ruled that the charges against two of the officers should be dropped. The same court charged a third policeman in December; he is expected to be tried by the Court of Assizes. An appeal was pending at year's end.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer appealed the court's decision, and on January 5, the Court of Cassation ruled in his favor and reversed the decision of the appeals court.

The trial of three police officers involved in the 1991 death of 18-year-old Aissa Ihich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication, was scheduled to begin in January 2001. A case against a doctor still was pending at year's end.

On April 19, a bomb exploded at a restaurant near Dinan, and killed a female employee. The "Breton Resistance Army" claimed responsibility for an earlier bomb in Pornic, which damaged buildings but caused no injuries, but denied responsibility for the Dinan bombing; however, the police determined that similar explosives were used in both incidents. According to press reports, the investigation was at a standstill by year's end.

The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end. According to press reports, a total of nine persons have been detained in connection with the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large and was believed to be hiding on the island at year's end.

In June 1999, SOS-Attentats organization (the nongovernmental organization (NGO) which represents the 170 persons who were killed in the 1989 bombing of UTA Flight 772) brought a civil case against Libyan leader Mu'ammarr alQadhafi for "aiding and abetting voluntary homicide." In October 1999, the Paris prosecutor's office challenged the antiterrorism magistrate's decision to investigate the civil complaint, and the case reached the Court of Appeals on September 8. The Court ruled that Qadhafi had no sovereign immunity for terrorist acts. In October the Paris prosecutor's office appealed this decision to the Court of Cassation. A final decision is expected in May or June 2001.

In September 1999, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication *Lettre d'Orient* announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The Chambre d'Accusation reviewed the investigating judge's decision in November 1999 and agreed in December 1999 that the case should be sent to the Court of Assizes for a trial. The deliberations of the Court of Assizes continued at year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearance.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the authorities punish officials who employ them. There were reports that law enforcement officers used excessive force, particularly against immigrants; however, no complaints or criminal reports were filed. Isolated instances of police abuse occurred, but there is no evidence of a pattern of abuse.

In May the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, visited the country as part of its regular program of periodic visits to member states. A report is expected in 2001.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. In June Parliament passed a law that created a national commission on security ethics to oversee the actions of law enforcement officials and to investigate complaints of police abuse from witnesses or victims; the commission subsequently was established.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. According to eyewitnesses, the police allegedly used excessive force by beating demonstrators and using tear gas grenades to keep the anti-FN demonstrators away from their FN counterparts.

In July 1999, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, in response to accusations by two Mauritanian refugees living in France. The refugees alleged that Dah was responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him in September 1999, but required that he remain in the country. In April Dah violated the terms of his release and returned to Mauritania. According to the International Federation of Human Rights Leagues, the Court of Appeals continued to investigate the allegations at year's end.

In December 1999 and January, the main Corsican separatist groups agreed to a "cease fire" in order to allow elected Corsican officials to engage in a dialog with the Government. In July the Government and Corsican officials agreed to a plan that would give more legislative authority to Corsica's elected officials. Although the cease fire is still in effect, after the July agreement there were several bombings in Corsica (with some minor injuries) and one shooting attack in which Jean-Michel Rossi, a writer and former Corsica nationalist militant, and his bodyguard, Jean-Claude Fratacci, were killed. In December a bomb exploded at the police barracks in Corsica; a policeman was injured.

Prison conditions generally exceed minimum international standards; however, public debate continued on the adequacy of prison conditions. According to the Ministry of Justice, there were 262 deaths of persons in custody in 1999, of which 125 were suicides. In May the NGO International Observer of Prisons (IOP) published a report that criticized prison conditions. The report concluded that prisons are overcrowded, have unacceptable hygienic conditions, and provide inadequate food to inmates. The report focused on the problems that result from overcrowded prison cells and stated that as of December 1, 1999, the average rate of occupation in prisons was 119 percent of intended capacity. There were no reports of incidents of alleged brutality by prison guards during the year; however, the IOP reported in May that two such incidents occurred in 1999.

On July 5, the National Assembly and Senate each released the conclusions of a special investigation that each body performed concerning prison conditions. The investigations were prompted by a book written by Veronique Vasseur, the head medical officer at La Sante prison in Paris, which was published in January. Vasseur's book criticized living conditions and the availability of health care in La Sante prison, and led to public debate over general prison conditions. After 5 months of investigations, the National Assembly and Senate each concluded that prison reforms were necessary; however, their reform proposals differed. The National Assembly noted a vast difference in prison conditions across the country and concluded that a prison reform law was needed to mandate universal standards for all prisons. The Senate, noting more specific problems such as overcrowded cells and inadequate numbers of guards, concluded that a universal law would not be effective and instead recommended that the Government focus on specific problems requiring more immediate attention.

Observers have criticized the current prison oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials. In March the working group known as the Canivet Commission delivered its report on a draft code of ethics for prison guards to the Minister of Justice. Among other things, the commission recommended creating an office of prison inspectors, headed by a person named by the President, which would have the power to conduct investigations and to evaluate prison conditions and policies. The Government was considering this recommendation and the possibility of a code of ethics for prison guards at year's end.

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions.

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, approximately

18,100 of the 51,411 persons held in jails and prisons were awaiting trial. A system of bail exists.

In June Parliament passed the “presumption of innocence” bill, which includes provisions that address pretrial detention and which are designed to reduce the number of persons held in jails and prisons awaiting trial; however, none of the bill’s provisions were in effect at year’s end. The bill establishes a new system of “detention judges” (to be implemented in 2001), who are to decide if a suspect is to be kept in detention pending trial. Generally pretrial detention only is allowed if there is a possibility that the suspect may be sentenced (if convicted) to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. The bill also gives detainees the right to see their lawyer 1 hour after being detained by the police.

On October 31, the Paris correctional court released the last of the 53 suspects who had been arrested in May 1998 in a roundup of suspected Islamic terrorists. The court cited insufficient evidence.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. In January the Court of Cassation announced that defendants no longer would be required to present themselves to be taken into custody in order to pursue an appeal to the Court of Cassation. The “presumption of innocence” bill, passed by the Parliament in June (see Section 1.d.) contains a provision that allows defendants to seek “reexamination” of a court decision that has been found by the European Court of Human Rights (ECHR) to have violated the European Convention on Human Rights.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.).

On May 23, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Leonardus Van Pelt. Van Pelt was arrested for drug trafficking in Spain in January 1987, extradited to France in November 1987, tried, and convicted in February 1990 by the Bobigny District Court. He challenged aspects of subsequent appeals proceedings, including the requirement that he present himself to be taken into custody by law enforcement officials in order to pursue an appeal before the Court of Cassation. The ECHR ruled that some of these proceedings violated Van Pelt’s right to a fair trial.

On July 20, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Adrian Caloc. The Court rejected Caloc’s argument that he had been “treated in an inhuman or degrading manner” by police authorities when he was arrested in 1998, but the Court ruled that Caloc’s complaint against the police was not heard and decided within a “reasonable amount of time.” Because of lengthy police investigations and numerous appeals, it took more than 7 years for Caloc to obtain a final decision on his complaint.

In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried (see Section 1.d.). The chambre d’accusation reviews the investigating judge’s investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

In March the Paris Court of Appeal reconsidered the convictions of 33 of the 138 persons tried in the October 1998 “Chalabi network” case. The court cleared four persons of all charges and released them; it upheld the convictions and sentences of the other persons.

As a result of the motion for retrial submitted in January 1999, new evidence was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. The resulting reports are scheduled to be released in the spring of 2001, at which time the Court of Cassation may decide to revise the original verdict.

Raddad’s attorney had argued that a key defense witness in the original trial was expelled on a technicality.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

The judge investigating the wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) completed his inves-

tigation at the end of 1999 and presented his findings to the Paris public prosecutor's office in February; the office was considering the matter at year's end. According to the annual report of the NCRWT, the number of administrative wiretaps put in place in 1999 remained constant. The quota on the number of administrative wiretaps, which was set by the Prime Minister in 1997, did not change during 1999, and the number of administrative wiretaps put in place during 1999 was below the quota. Wiretapping is recognized legally as a right of the Government.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

On May 22, the Paris district court ruled that an Internet company violated the law by permitting the public display of Nazi artifacts for sale on the Internet (see Section 5).

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice. There are regular demonstrations on various issues, which occur generally without incident. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration involving 10,000 participants. The Church alleged discrimination; however, the prefecture justified the denial based upon the proposed size and duration of the demonstration, which would make it difficult to maintain public order. The group rented a private park outside Paris in which to hold their gathering.

In December police clashed with demonstrators protesting the European Union summit held in Nice. The protesters used Molotov cocktail bombs, stones, and steel police barriers; police responded with tear gas, water cannons, and clubs. More than 20 persons were injured in clashes between police and protesters. On December 6, approximately 12 persons were injured when police officers used tear gas to prevent demonstrators in Ventimiglia from travelling to the summit.

*c. Freedom of Religion.*—The law provides for freedom of religion and the separation of church and state, and the Government generally respects this right in practice; however, the Government took some actions during the year that affected religious minorities that it describes as "sects." The 1905 law on separation of church and state—the foundation of current legislation on religious freedom—makes it illegal to discriminate on the basis of faith.

Religious groups may register as "associations cultuelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status; however, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The State subsidizes private schools, including those that are church affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, debate continued over whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion. Various courts and government bodies have considered the question; however, there has been no definitive national decision on the



issue. In June 1999, the Government Commissioner recommended that the administrative court repeal its October 1998 to expel a girl who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision. In October 1999, the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1996 the National Assembly's parliamentary commission, also known as the Gest or the Guyard Commission, issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "antisocial" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report.

The Government has not outlawed any of the groups on the list; however, the ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. A number of individuals who belong to groups on the list continued to report discrimination during the year—for example, the loss of a job or the denial of a bank loan—which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "resulted in media reports libeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their effort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In March a Paris Correctional Court fined Jacques Guyard, the president of the parliamentary commission and a drafter of the 1996 National Assembly report on so-called sects, approximately \$2,850 (20,000 francs) in response to complaints by three groups that were named in a parliamentary commission's June 1999 report on the financing of religious groups named in the original report. The court also ordered Guyard to pay approximately \$12,850 (90,000 francs) in damages. The Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federale" (an anthroposophical medical association) had filed a complaint against Guyard for slander for calling the groups "sects" in a June 1999 television interview. The court found that Guyard had made accusations against these groups when existing evidence did not warrant even a serious inquiry into their activities. The court noted that the parliamentary commission's report resulted from written declarations from persons claiming to be victims of anthroposophy, but that the parliamentary commission had not heard any of the claims in person, and that there was no supporting documentation for accusations that the groups had used mental manipulation, pressured persons to give them money, or used practical medicine that endangered lives. The court rejected Guyard's attempts to qualify his statements, and also rejected a request from Guyard's lawyer for parliamentary immunity. The 1999 re-

port in question focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (*mission interministérielle de lutte contre les sectes*). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission also is charged with serving as a coordinator of periodic interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects. In December 1998, the Ministry of Justice issued a circular urging state prosecutors to cooperate with the Interministerial Mission in bringing actions against sects.

On February 7, the Interministerial Mission submitted its 1999 annual report to the Prime Minister, which addressed the perceived problem of sects or cults. The report specifically raised the possibility of the dissolution of movements which, being "in essence and in action totalitarian" are dangerous to their members and to democracy in general. The report urges government action to deal with sects or cults according to their degrees of dangerousness, such as groups that limit personal freedoms of members, "new age" groups, and "absolutist" groups which are totalitarian in nature. However, the report does not advocate new legislation to abolish groups considered to be dangerous. The report presents two options: The use of criminal cases against individuals for violating existing laws, which rarely is done; and the use of existing administrative and political means—a 1936 decree against "factious leagues"—which would require action by the Council of Ministers and the assent of the President. The report specifically cites concerns regarding the Church of Scientology and the "Solar Temple" group.

On December 21, the Interministerial Mission against Sects submitted its 2000 annual report. The report highlighted the globalization of sect/cult influence, specifically in underdeveloped countries and focused on the "infiltration" of NGO's by sects/cults. Within the context of developments within the country, the report evaluated the influence of sect/cult movements in the three overseas departments (Guyana, Guadeloupe, and Martinique). A case study examined the anthroposophical movement, founded by Austrian Rudolf Steiner, and recommended sustained vigilance over the Steiner schools.

On June 22, the National Assembly passed on its first reading a private bill that would tighten restrictions on religious and other organizations. This bill—which amended an earlier version that had originated in and had been passed by the Senate in December 1999—included the following clauses: (1) criteria for the dissolution of so-called "sects," (2) the prohibition of sect publicity in "vulnerable" areas (i.e., near schools and hospitals), (3) prohibition of the reconstitution of dissolved "sects" under a different name, and (4) establishment of the new crime of "mental manipulation." The Justice Minister at the time, who attended the National Assembly vote, noted that certain provisions of the bill would help "victims" of "sects," but warned that other provisions might threaten fundamental liberties, such as freedom of association and belief. She questioned whether certain clauses were in conformity with the European Convention on Human Rights and called for a "parallel reflection" on these points to be organized by human rights groups when the Senate reconsidered the bill. On November 8, the Senate held hearings on the bill. Representatives from the Catholic, Protestant, Jewish, and Muslim faiths, who had not been consulted previously, expressed their concerns that the provisions of the bill could be abused. The Senate was not expected to schedule the next reading of the bill until April 2001.

In December 1998, the National Assembly debated and passed a private bill that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. Its main provisions, with some modifications, were integrated into a separate bill on legal reform aimed at strengthening the presumption of innocence and victims' rights (see Section 1.d.). In June Parliament passed that bill, which contains a provision that allows some associations that aid individuals against groups that "create or exploit psychological or physical dependence" to become civil parties to certain criminal proceedings involving such groups. This provision is intended to allow antisect groups to become civil parties in certain proceedings involving sects.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize all branches of Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to

a 60 percent tax on all funds they receive. In June the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations according to the 1905 law and thus be exonerated from certain tax obligations.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The tax proceedings continued at year's end. In July a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that the Jehovah's Witnesses would have to pay over \$42 million (300 million francs) in back taxes to the fiscal authorities. In the same month the Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals, the appeal was pending at year's end.

The authorities previously took similar action against the Church of Scientology. In the case of the Paris church, the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes although the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently in December 1997, the Government filed legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January 1999, the Conseil d'Etat requested the advice of the European Court of Justice. On March 14, the Court ruled that French law was incompatible with European Union laws regulating the free flow of capital; however, the Court ruled that such regulations could be allowed if required on the grounds of a threat to public security or public policy. The Court ruled the French laws were not sufficiently detailed and, on December 8, the Conseil d'Etat found the State at fault and upheld the decision of the European Court of Justice. However, the judgment's practical effect was limited because the affected churches had dissolved themselves and been reconstituted in the intervening period under different names.

In July 1997, a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision, but in June 1999, the Court of Cassation rejected the Government's appeal, but the Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientology, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration (see Section 2.b.); the group held their gathering in a private park.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The law provides for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 1999 the Government received 30,907 requests for asylum and issued 4,659 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On September 24, voters approved a referendum to shorten the term of the President from 7 years to 5 years. Abstention rates for the vote were almost 70 percent.

There are no legal restrictions on the participation of women in politics or government; however, they remain significantly underrepresented in public offices, especially at the national level. Eleven of 32 cabinet members, 20 of 321 senators, and 57 of 577 deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence—40 percent of the country's elected representatives are female. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. In June 1999, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions." In May the Parliament adopted a law that implemented the constitutional amendment. The law provides that, starting with the municipal elections in March 2001, political parties are to have equal numbers of women and men on their lists of candidates. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—which has nongovernmental as well as government members—also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

*Women.*—The Penal Code prohibits rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior reported that in 1999 there were 7,958 rapes and 12,732 instances of other criminal sexual assault. The penalties for domestic violence vary according to the type of crime and range from 3 years imprisonment and a fine of approximately \$42,450 (300,000 francs) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women is a problem (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisorsubordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's indicates that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released in September 1999 by National Assembly Deputy Catherine Genisson indicated that in the country's 5,000 largest firms, the average difference in salary between men and women is 27 percent. A study by the National Institute of Statistics and Economic Studies indicated that in March the unemployment rate for women was 11.9 percent, compared with 8.5 percent for men.

*Children.*—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical

care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1999 there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Approximately 4,800 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is condemned widely by international health experts as damaging to both physical and psychological health. Authorities prosecute FGM cases under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. Since 1993 the Government and private associations have undertaken a campaign to inform immigrants that FGM is contrary to the law and would be prosecuted.

*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1991 law requires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

*Religious Minorities.*—The number of anti-Semitic incidents increased in the fall, due in part to increased unrest in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in the spring, there were a total of 51 threats and 9 acts of violence in 1999, compared with 73 threats and 1 act of violence in 1998.

During October more than 100 anti-Semitic incidents, ranging from graffiti to harassment to firebombing, occurred across the country, mainly as a result of increasing tensions in the Middle East. For example, on October 10, a synagogue in Trappes was set on fire and destroyed. The city government allowed the congregation to use a city hall for the celebration of one of the Jewish high holy days. On October 12–14, local authorities in Strasbourg recovered several Molotov cocktails that had been planted in a synagogue. On October 14, a synagogue in Lyon was rammed by a car and then caught fire. Three synagogues in the Paris suburb of Bagnolet and a Jewish shop in Toulon were firebombed. On October 17, six incendiary devices were discovered outside a Jewish school in Paris. On October 23, a synagogue in Marseille was firebombed. It appeared that youths were responsible for many of these incidents, and some arrests were made. Government leaders, members of the Jewish community, the Paris Grand Mosque, the Protestant Federation, and the French Conference of Bishops strongly criticized the violence. The Government increased police security for Jewish institutions.

On May 22, the Paris district court ruled that an Internet company violated a law prohibiting defamation and incitement to hate crimes when it permitted the public display of Nazi artifacts for sale on the Internet. Following a hearing on July 24, the judge postponed implementation of the order. On November 21, a judge upheld the verdict, and ordered the company to block access from the country to sites offering Nazi memorabilia within 3 months.

In October 1999, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, 1999, he was arrested in Switzerland and returned to France; he remained in prison at year's end. In April Papon filed an appeal to the European Court of Human Rights; the appeal was pending at year's end.

*National/Racial/Ethnic Minorities.*—Anti-immigrant sentiments led to various incidents, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted a continuing decrease in the number of reported incidents of racist threats<sup>79</sup> threats were reported in 1999, a decrease from 91 in 1998. However, the number of reported incidents of racist violence increased to 12 in 1999 from 8 in 1998. There were no deaths due to racist violence in 1999.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems. The annual NCCHR report suggested that the Government continue to strengthen its laws against racist acts.

According to the 1999 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 27 percent admitted to being "a little racist," 30 percent said they were "not very racist," 29 percent said that they were "not at all racist," and 2 percent had no response.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education. They often live in crowded conditions without proper sanitary facilities.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In 1997 Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government. The number of workdays lost to strike action in the private sector increased during the year, and the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Unions representing armored car workers mounted numerous strikes, including a 2-week national strike in May, to demand increased compensation and stricter security measures following several robberies in which several union members were killed. Air traffic controllers struck to protest European Union efforts to centralize air traffic control across Europe. Workers at two airlines struck during a busy spring travel period to protest anticipated job losses resulting from the takeover of their company by a foreign carrier. Truck drivers blocked border points and ports early in the year over concerns that European regulations for work-hours in their sector would deprive them of reductions called for under the move to a 35-hour workweek. In September owners of taxis, trucking companies, and fishing boats blockaded roads and ports over rising fuel prices.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision.

Unions freely join federations and confederations, including international bodies.

*b. The Right to Organize and Bargain Collectively.*—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels, but does not require that negotiations result in a signed contract. In case of an impasse, gov-

ernment mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and non-union employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited by law, and the Government effectively enforces this provision.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The hourly wage was changed to \$5.60 (42.02 francs) as of July 1. Since February the legal workweek is 35 hours for firms of 20 or more workers. Overtime, under the 35-hour workweek, is capped at 1,600 hours per year for most workers. Firms of less than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

*f. Trafficking in Persons.*—The law prohibits the trafficking of persons; however, trafficking in women is a problem. In the past, the country has been primarily a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe, despite stringent laws that prohibit such trafficking. The country is now also a destination for trafficked women, as increasing numbers of women from Eastern Europe, the former Soviet Union, and the Balkans are trafficked to work as prostitutes in cities, often under harsh conditions.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million francs). Penalties rise to up to 10 years in prison and up to approximately \$1,400,000 (10 million francs) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2,800,000 (20 million francs). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4,200,000 (30 million francs) in fines. These laws are enforced to various degrees—according to one press report, the most visible pimps are arrested, while those who work quietly go unnoticed.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans is under the authority of the central criminal investigation directorate of the police judiciaire, which handles organized crime. It centralizes information and coordinates operations to

counter trafficking, and maintains contacts with the police, the Gendarmerie, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

In the past, the country was a transit point for victims; however, in 1997 police began to see organized rings of traffickers, primarily from southeast Europe. The number of young women brought to the country to work as prostitutes continues to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries, and are willing to continue the practice to pay for their immigration papers. In 1999 OCRTEH reported investigations into rings operating out of the Czech Republic, Bulgaria, Latvia, Nigeria, Cameroon, Albania, Ecuador, Benin, Poland, and the former Yugoslavia. Much of the flow is now from Eastern Europe and the Balkans, but women from Africa and Latin America, who often enter the country through Marseille or the Spanish border, also have been trafficked into the country.

The number of women from the former Soviet Union, Eastern Europe, and the Balkans has increased markedly, and has received increased press attention. For example, in March French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels. This network trafficked women from the former Yugoslavia through Italy into forced prostitution in Brussels and Paris. Police dismantled the ring after French officials noticed that a number of prostitutes were traveling two or three times a week to Brussels on the highspeed train, apparently to pay their "protectors." French officials arrested and extradited three Albanians. In January OCRTEH dismantled an Albanian trafficking ring in Toulouse. After reportedly being sequestered for several weeks and subjected to rape, torture, and threats against their families if they tried to escape, the women reportedly were sold for around \$1,250 (9,000 francs), which included a "guarantee" that they would work as prostitutes for 3 months.

In May the magazine *Le Nouvel Observateur* quoted the Commissaire of OCRTEH as saying that two-thirds of the foreign prostitutes in the country were from Eastern Europe (including the former Soviet Union), whereas in the previous few months, they represented only one-third. The magazine also reported that in Nice, women have responded to advertisements for waitresses or models that appeared in newspapers in Kiev or Moscow; and in Strasbourg, the number of prostitutes has more than doubled in the past 5 years—approximately two-thirds of the women are Czechs or Bulgarians.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue, and supports other associations in the country and around the world. The NGO *L'Amicale du Nid* works directly with prostitutes.

## GEORGIA

The 1995 Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of the Parliament. In April Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized this election due to interference by state authorities in the electoral process, deficient election legislation, an insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in October 1999, which the Organization for Security and Cooperation in Europe (OSCE) characterized as a step toward Georgia's compliance with OSCE commitments. Local elections were held for the first time in November 1998. The country's first multiparty parliamentary elections after independence from the Soviet Union in 1991 followed a military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia and brought Shevardnadze to power as head of a provisional government. The civil war and separatist wars that followed weakened greatly central government authority, not only in separatist Abkhazia and Ossetia, but also in other areas of the country, and the extent of central authority and control remain in question. Central government authority is limited in the autonomous region of Ajara. The Constitution provides for an independent judiciary; however, it is subject to executive pressure.



Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's are unresolved. Cease-fires are in effect in both areas, although sporadic incidents of violence occur in Abkhazia. These unresolved conflicts, together with problems created by roughly 300,000 internally displaced persons (IDP's), pose a continuing threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians a large plurality of the population—were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in Abkhazia with the agreement of the Government and the Abkhaz separatists. Although there has been no agreement on the return of IDP's to Abkhazia, a limited number have returned on their own to the Gali region of southern Abkhazia. As a result of fighting in May 1998, almost all of the 53,000 Georgian IDP's who had returned to the Gali region of Abkhazia again fled. After May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in the Gali Region on a more or less permanent basis. A Russian peacekeeping force also has been in South Ossetia since 1992 and is part of a joint peacekeeping force with Ossetians and Georgians in South Ossetia. Repatriation of Georgians to South Ossetia and of Ossetians to the rest of Georgia has been slow. The Government has no effective control over Abkhazia or much of South Ossetia. Almost no IDP's have returned to other parts of Abkhazia.

The Ministry of Internal Affairs (MOI) and Procuracy have primary responsibility for law enforcement, and the Ministry of State Security (MSS, formerly the KGB) plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the army. Elected civilian authorities do not maintain adequate control over the law enforcement and security forces. Members of the security forces committed an increased number of serious human rights abuses.

The Government made efforts to develop a market-based economy. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP). Per capita GDP for the first 9 months of the year was estimated at \$486. According to the Georgian Department of Statistics, approximately 52.6 percent of the population is living below the poverty level. The rate of economic growth continued to slow and the eastern part of the country suffered a drought. There was a growing fiscal deficit, as revenue collection continued to be very low. Government salaries and pensions were still in arrears.

The Government's human rights record worsened, and was poor in several key areas. Numerous serious irregularities in the April presidential election limited citizens' right to change their government. According to the Government and non-governmental organization (NGO) human rights monitors, security forces continued to beat and otherwise abuse detainees, force confessions, and fabricate or plant evidence. Reports of police brutality increased throughout the year. Several deaths in custody were blamed on physical abuse, torture, or inhuman or life-threatening prison conditions, and most government promises of reforms remain unfulfilled. The Ministry of Justice gained formal jurisdiction over the prison system from the Ministry of Interior in 1999; however, this transfer of responsibility was accomplished without adequate fiscal resources and consequently exacerbated the already harsh conditions. Moreover, the MOI retains a significant role in prison staff and investigations. Minister of Justice Mikheil Saakashvili, appointed in October, acknowledged serious shortcomings in the prison system and initiated steps to address them. Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps toward creating a prison inspection system that would include NGO participation. Authorities allegedly continued to use arbitrary arrest and detention. Corruption in law enforcement agencies is significant and pervasive. In addition, despite numerous investigations, large-scale corruption on the part of lower level and high government officials still is tolerated widely as an inevitable consequence of economic hardship and low salaries. Local human rights groups reported that security force brutality against them, harassment, and arbitrary arrest and detention of their members increased during the year, especially after April. Senior government officials, including the President, acknowledged serious human rights problems and sought international advice and assistance on needed reforms; however, neither the President nor other senior officials took concrete steps to address these problems, and Parliament failed to budget adequately for mandated reforms. Law enforcement agencies made little progress in adapting these practices to democratic norms, and impunity remains a problem.

The judiciary is subject to pressure and corruption and does not always ensure due process; judicial reform efforts to create a more independent judiciary were undercut by failure to pay judges in a timely manner. As a result of the Law on Common Courts, many corrupt and incompetent judges were removed from the bench

and replaced by judges who passed a qualifying exam and vetting process. There were lengthy delays in trials, and prolonged pretrial detention remains a problem. The Criminal Procedures Code, which was passed in 1997, was amended in 1999 and again in the summer in response to complaints by security forces that legislated reforms would hamper criminal investigations. Parliament also repealed provisions in the 1998 Criminal Code that would have allowed citizens under investigation access to the courts prior to trial. Procuracy reform was stalled. Human Rights Watch released a highly critical report in October that detailed new restrictions on due process and other setbacks to judicial reform. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, security forces and other authorities on occasion intimidated and used violence against journalists. The Government restricted freedom of assembly, and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. Discrimination against and harassment of some religious minorities are problems. Violence and discrimination against women are problems. Trafficking in women for the purpose of forced prostitution is a problem.

Growing citizen awareness of civil rights and democratic values and the continued evolution of civil society provided a partial check on the excesses of law enforcement agencies. A number of independent NGO's are active in defense of the rights of individual citizens and religious groups. International observers noted that most NGO activity is concentrated in Tbilisi. Criticism from the press and the NGO community and timely intervention from government and parliamentary human rights monitors, played an important role in halting the abuse of citizens detained by the police in a few specific cases.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed reports of political or extrajudicial killings by government agents. Security force abuses reportedly resulted in several deaths in custody.

The Government stated that 61 prisoners died in prison, and it appears that 5 prisoners died in jail or prison hospitals in pretrial detention during the year. Human rights NGO's and the press report that physical abuse, torture, and inhuman prison or pretrial detention conditions contributed to a number of these deaths. The authorities attributed the majority of these deaths to illness. On May 31, Mamuka Rizhamadze was found hanged in a Kutaisi jail. He was arrested in Tkibuli on May 24 but had not been charged. The official autopsy stated that he committed suicide; however, an independent autopsy, carried out at the request of his relatives, concluded that there were numerous injuries to his body and that a blow to his head killed him before he was hanged. Police claim that Rizhamadze threatened them with a grenade and that they acted in selfdefense.

Authorities attributed nine deaths in 1999 to suicide, including that of Ivane Kolbaya, who in February 1999, fell to his death from a fifth floor window of the Ministry of Internal Affairs while being questioned about his alleged involvement in a theft. An international human rights NGO brought this case to the Government's attention, as well as four others, including the 1998 death of Gulchora Dursunova and the 1997 deaths of Akaki Iacobashvili and Eka Tavartkiladze. In 1999 the National Security Council requested that the Procuracy determine the legality of the decisions made in these cases. The Procuracy upheld decisions affirming the ruling of suicide in all cases. Two police officers were charged in Kolbaya's case, but the court returned the case to the Procuracy for further investigation. On December 4, 1999, Zaza Tsitsilashvili allegedly threw himself to his death from the sixth floor of the Ministry of Internal Affairs. The investigation did not result in any charges. However, family members say that his corpse showed evidence of being beaten.

On October 16, Antonio Russo, a reporter for Radio Radicale was found dead outside of Tbilisi. His colleagues feared that he may have been murdered in reprisal for coverage of the conflict in neighboring Chechnya, Russia. Some persons believe that Russo may have been killed to prevent him from publishing materials on the Russian use of banned chemical weapons in Chechnya. There have been no allegations and there is no evidence implicating the Government in Russo's death. The Government is conducting and ongoing investigation into the murder.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including by partisan groups and by Abkhaz separatists. The partisan

groups in the past have received government support and training; however, the Government claims that it no longer controls nor supports the partisans. The partisans are viewed by the general public as criminal gangs engaged in smuggling, extortion, and other illegal activities. The number of incidents of abuse decreased from the previous year. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992–1993 fighting. The 2000 Landmine Monitor Report states that in 1999 and 2000, there continued to be numerous reports that groups from Georgia, allegedly linked to the Georgian Government infiltrated into Abkhazia and laid antipersonnel mines. The Government criticized these partisan groups and arrested some of their leaders. There has been a reduction in the number of persons killed or injured by landmines, primarily because a large number of persons have left the mined territories.

*b. Disappearance.*—Georgian partisan/criminal groups active in Abkhazia periodically took hostages, usually in exchange for captured compatriots. Abkhaz and Georgian officials agreed on joint efforts by their law enforcement agencies to prosecute those responsible for this and other criminal activity that threatened to destabilize the cease-fire. The September 12 detention in Zugdidi of David Shengalia, the leader of one of the partisan bands, reduced tensions to some extent through the end of the year. During the year, there were several instances of hostage taking by criminal groups for ransom purposes. All of these kidnappings are believed to have been criminal or economic and not political.

In June two U.N. officials, a foreign businessman, and their Abkhaz interpreter were abducted in Abkhazia's Kodori Gorge. They were handed over to Georgian authorities on June 5 without payment of the \$300,000 ransom demanded by their kidnappers.

Three International Committee of the Red Cross (ICRC) staff members were abducted in the Pankisi Gorge in August. The three staff members were released on August 13, one week later.

On November 30, two Spanish businessmen were abducted and held captive in Pankisi Gorge. Authorities still are searching for them.

Two U.N. observers were abducted in Abkhazia's Kodori Gorge on December 10, and released 3 days later after negotiations with presidential representative Emzar Kvitsiani; reportedly no ransom was paid. Svan bandits are believed to be responsible for the abduction, as well as for a previous abductions of U.N. officials in October 1999 and 2000.

In Abkhazia, an autonomous republic in Georgia, six Georgians were taken hostage in Abkhazia's Gali region on August 23 and were released 3 days later as a result of mediation by members of the U.N. Observer Mission and the CIS peace-keeping forces. The Abkhaz hostage takers did not receive the \$2,050 (5,000 lari) they had demanded initially.

Georgian and Abkhaz commissions on missing persons reported that the fates of more than over 1,000 Georgians and several hundred Abkhaz who disappeared as a result of the war in Abkhazia still are unknown. Abkhaz and Georgian officials agreed on joint efforts to determine the whereabouts and repatriate the remains of missing fighters. The ICRC cooperated in the effort through its Red Cross message system.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers note that incidents of police abuse increased following the April presidential elections. Serious abuses and police misconduct continue and corruption and criminality, such as the fabrication or planting of evidence, remain problems. Widespread impunity remains a problem. Many human rights observers argue that the police increasingly believe that they will not be held accountable for such actions.

The most serious incidents of abuse occur in the investigative phase of pretrial detention when suspects are interrogated by police. Human rights observers and lawyers noted that abuses occur more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, as was previously the case. Human rights advocates noted a growing number of confessions made in police stations. Some observers charge that police also conducted investigations in apartments outside the police stations to avoid registering detainees. According to human rights observers, those who suffer such abuse are held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). For example, David Sturva claimed that in September police tortured him with beatings and

electric shocks, and attempted to suffocate him. Medical examinations confirmed his charges. Police also abused other detainees (see Section 1.d.).

Police agents within the prison population allegedly committed abuses in pretrial detention facilities. For example, Paata Skhirtladze was beaten and his ear was bitten off by another prisoner (see Section 1.d.). Another prisoner initially confessed on video camera that he was ordered to torture another inmate and force narcotics on him. Charges were brought against him for this incident, but he subsequently recanted his confession (see Section 1.e.).

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is lower and human rights NGO's are less active. However, one prominent human rights group notes that at the village level personal relationships work to prevent the sorts of abuse found in the larger towns and cities.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. According to the Ministry of Internal Affairs, 35 administrative inquiries were performed, 21 policemen were reprimanded administratively; and 6 policemen were dismissed in connection with police abuses. However, recent changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In general, accountability tended to occur only in extreme cases, such as those resulting in death, and even then it is rare (see Section 1.a.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or close a case for lack of evidence. Observers believe that many instances of abuse go unreported by victims due to fear of reprisals or lack of confidence in the system.

Domestic human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions significantly increased during the year. Human Rights Watch reported in 1999 that mistreatment and physical abuse of detainees continued to be rampant. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed the investigation, allegations of physical abuses were rare.

In the past, security forces have tortured some defendants in politically sensitive cases, such as those involving members of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities, Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Isolator Five, in the basement of the Ministry of the Internal Affairs headquarters, the facility in which is detainees suspected of a serious crime or whose cases had political overtones incarcerated. As a condition of membership in the Council of Europe, Isolator Five was to be closed as of January 1, 2000; however, domestic human rights organizations claim that the facility remains open and serves the same function, only under a different name. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, many persons who were detained in Isolator Five afterwards reported that they were beaten or otherwise abused. Often the threat of incarceration in this facility was sufficient to induce a confession.

In contrast to those arrested in connection with the 1995 assassination attempt on President Shevardnadze, in general those persons arrested in May 1999, for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze reportedly were not mistreated. However, one suspect, Otar Melikadze, reported in June that investigators had tortured him. Although human rights observers noted that the Procuracy collected evidence, for use in the court proceedings, the families and state-appointed advocates of the defendants had limited access to them. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, who were arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

Government officials acknowledged that Ministry of Internal Affairs personnel in the past routinely beat and abused prisoners and detainees. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse. For example, investigators in the past were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments to the code in 1999 and during the year reinstated many of their powers (see Section 1.e.).

International and local human rights observers expressed concern that corruption is related to the number of police officers nationwide. According to the Ministry of Internal Affairs, there are 13,881 police officers; however, NGO's estimated that

there are 35,000 police officers. The Government was unable to pay the salaries for the police force. Consequently, police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity. The period between an arrest and a bail hearing was another opportunity for solicitation of bribes. According to international and domestic observers, the police sometimes attempt to extort money from suspects in exchange for not officially registering an arrest. Police reportedly approached suspect's family and offered to drop charges in exchange for a bribe.

Members of Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, fear prevented many persons from filing claims, and not all claimants followed their claims all the way through to trial. The Committee noted that since the presidential election, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and Procuracy, as well about of the Procuracy's failure to pursue criminal investigations of alleged violators. The National Security Council's human rights advisor also has a mandate to investigate claims of abuse. The Constitution mandates a human rights defender or ombudsman. The role of the ombudsman's office is to offer assistance to those who believe that abuse has occurred or a right has been violated; however, the law does not provide the ombudsman with the authority to forward a complaint to a court with a recommendation that it be reviewed prior to trial.

Police officers reportedly sometimes beat and raped prostitutes.

Members of the security forces beat members of religious minorities (see Section 2.c.).

Police reportedly harassed and at times abused street children (see Section 5).

Prison conditions are inhuman and life threatening. Facilities lack adequate cell space, medicine, and food. Infrastructure is crumbling due to lack of resources and corruption in the prison administration. The President pardoned 1,500 prisoners in April 1999, and 1,700 prisoners in October 1999 as a means of alleviating crowding; however, observers still consider the prisons to be overcrowded. The problem was exacerbated by the hasty transfer of responsibility for prison administration to the Ministry of Justice, which was unprepared to take over, according to human rights observers and government officials. The authorities acknowledged that conditions are inhuman and life threatening; however, they did not take effective steps during the year to address the fundamental problems.

On January 20, a riot broke out in Kutaisi's preventive detention Ward 2, reportedly triggered by the rape of a prisoner. As the result of an investigation, nine officials were dismissed, including the head of the ward. Some human rights groups claim that rape by inmates is common in prisons. Khvicha Kvirtia claimed that, while he was in prison, the head of the prison regularly beat him. He also claimed that those prisoners who had no money to bribe officials were tortured.

Torture and physical abuse of prisoners led to deaths in custody. The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they are on the verge of death. Additionally, monitors state that deaths of prisoners without families usually went unreported. The OSCE also noted an increase in the number of deaths in prison in the first 3 months after the transfer of authority to the Ministry of Justice. Most of the deaths during the year were attributed officially to medical causes, usually tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. In recognition of this fact, the ICRC continued a joint program with authorities begun in 1997 to reduce the incidence of the disease. In 1999 a prisoner reportedly weighing just 66 pounds was released from a Rustavi prison; he died within three days. Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem.

Temur Papuashvili, a suspect in an alleged 1999 coup plot, died in custody on January 3, reportedly due to illness. However, the Ministry of State Security began an investigation into the death after allegations that Papuashvili had been poisoned. Two days later, the investigation was closed, apparently at the request of Papuashvili's mother and wife.

In accordance with requirements stipulated by the Council of Europe, the responsibility for the prisons was transferred from the Minister of Internal Affairs (MOI) to the Ministry of Justice on January 1, 2000. Although the Ministry of Justice is responsible for overall administration of the prison system, the law on prisons permits MOI personnel to continue to staff the prisons. The MOI also maintains several

of its own cells in the various prisons. Other legislation also permits the MOI to conduct investigations among inmates to gather evidence for trials without judicial approval. Local and international human rights observers noted little change in prison conditions. No significant personnel changes or restructuring occurred prior to the appointment of Minister of Justice Mikheil Saakashvili in October. However, following a number of officials were removed. Advocates noted an improvement in access for family members and to the telephone since the transfer of authority.

The ICRC had full access to detention facilities, including those in Abkhazia, in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. The OSCE mission, whose mandate includes prison visits, reported bureaucratic delays but no serious problems in obtaining access to prisoners and detainees. However, local human rights groups reported that they have increasing difficulty in visiting detainees, especially in cases with political overtones.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently violated these provisions. The Constitution provides for a 9 month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). The old Soviet Criminal Code had been amended to implement these constitutional safeguards and was superseded in 1997 by the Criminal Procedures Code. These amendments generally, although not always, were observed, as prosecutors continue to maintain undue influence over criminal procedures. A new Criminal Code was enacted in June 1999.

Judges issue warrants and detention orders, and suspects must be charged within 3 days. Pretrial investigatory detention is limited to 9 months in accordance with the Constitution, instead of 18 months as allowed by the old Soviet code. Judges may extend pretrial detention by 3 month intervals up to 9 months. Human rights NGO's stated that the amendments to the old Soviet Code made the pretrial detention period less arbitrary; however, international and domestic observers also stated that such detention usually is longer—sometimes as much as 2 years—because this protection routinely is interpreted to include only the Procuracy's investigative period, not the defense's investigative period as well. Reportedly, police frequently detain persons without warrants. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and suspects held in pretrial detention.

A new Criminal Procedures Code, along with other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police, was passed by Parliament in 1997; however, implementation was delayed until May 1999 (see Section 1.e.). Following enactment of the New Criminal Code in June 1999, the Criminal Procedures Code was amended substantially in July of that year. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code. However, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically, the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. According to Human Rights Watch, before these amendments were enacted a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request a forensic medical examination. Under the amended provisions, a defendant can file a complaint of abusive investigation only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. Human rights NGO's state that this hinders a detainee's ability to substantiate a claim of police misconduct, especially in view of the close ties between the Procuracy and the police and the delays such requests entail. Human Rights Watch and other human rights advocates stated that permission for an independent forensic medical examination rarely is granted. It is difficult for those under criminal investigation to obtain objective medical examinations in a timely manner to substantiate reports of physical abuse. If a medical examination is not conducted within 3 to 4 days of the incident it becomes difficult to establish the cause of a detainee's injuries. In the courts, only a state employed forensic medical examiner—which in the vast majority of the criminal cases is an employee of the Ministry of Health's Judicial Medical Expert Center—can testify about the detainee's injuries. Human rights advocates criticize the state forensic examiners as biased in favor of the Procuracy.

The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. A witness can be held by the police for 12 hours without being charged. Human rights monitors claimed that the police frequently charge witnesses as suspects at the end of this period. Human Rights Watch also reported that police often called in a detainee's lawyer as a witness, thereby denying him access to his client. Human Rights Watch released a highly

critical report in October that detailed new restrictions on due process and other setbacks to judicial reform.

According to observers, including the OSCE and the Association of Former Political Prisoners for Human Rights, police frequently treat individuals in their custody with brutality; however, correct legal procedures were observed more often once a detainee entered officially into the system. Police often failed to inform detainees of their rights and prevented access to family members and lawyers. While officially suspects are charged within 3 days of registration, observers claim that police frequently delay registering detainees for long periods in order to seek bribes in return for dispensing with registration altogether (see Section 1.c.). Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.). Police often claim that injuries were sustained during or before arrest.

On June 18, Paata Skhirtladze was arrested for "exhibitionism" and later charged with two ritual murders and deaths. He allegedly was subjected to abuse in Isolator Five. His ear was cut off, apparently by a fellow prisoner, and he was forced to swallow it. Skhirtladze apparently confessed to the murders, but human rights observers believe he did so under pressure and connect the abuse of Skhirtladze to his affiliation with the Osho community, a spiritual movement.

In September the police stopped and searched David Sturua in Tbilisi's Saburtelo neighborhood. Upon finding keys in his bag, they charged Sturua and his friends with involvement in multiple burglaries. Sturua was taken to an MOI detention cell. He was not permitted to notify family members or contact a lawyer. He claims that he was subjected to torture, including attempted suffocation, electric shocks, and beatings. Medical examinations confirm Sturua's charges. The ombudsman asked the MOI to investigate (see Section 1.c.).

Lasha Kartvelishvili, arrested for allegedly killing a police officer, claimed he was beaten severely and denied access to his lawyer before being charged. He was charged 14 days after his arrest (the legal limit is 72 hours) following the intervention of government human rights advocates. An independent medical examination found numerous injuries. Police say that he sustained his injuries falling down the stairs. Family members argued that he was tortured. The lawyer that his family retained to defend Kartvelishvili repeatedly was denied access to his client. Kartvelishvili never formally filed a complaint and assented to the official explanation of his injuries. He remained in prison at year's end.

The Criminal Procedures Code established a system of bail; however, observers note that it rarely is employed.

There were no cases of forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence. Judicial impartiality is limited. The judicial reform process, which was completed in 1999, had some success in leading to the appointment of a larger number of more highly qualified judges; however, local and international observers agree that judicial authorities continue to defer to pressures from the executive branch and well-connected special interests. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges are reluctant to exclude evidence obtained illegally over the objection of the Procuracy.

Results of the judicial reform effort were uneven. Judicial incompetence and corruption, including the payment of bribes to judges, is still a significant problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more and expeditious manner since the reform, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they are hindered by lack of practical experience. Human rights organizations point to poor access to case law as a further contributing factor. Due to the Government's fiscal crisis, judges' salaries were not paid for a 6-month period, creating an incentive to corruption. Pressure from extensive family and clan networks was extensive.

The 1997 Law on the Courts, which was designed to enhance judicial independence, established a three-tier court system. Implementation of the law was completed in 1999. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for district courts; they started functioning in May 1999. The regional ("city") courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court and remains the court of first instance for capital crimes and appeals from the Central Election Commission.

A separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between branches of government and ruling on indi-

vidual claims of human rights violations. The Court interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The court only considers one case at a time. Since its inception in 1996, many of the cases filed with the court have been heard and decided. The Court's rulings have demonstrated judicial independence.

Administration of the court system was transferred from the Ministry of Justice to the Council of Justice in 1997. The Council has 12 members, 4 selected from within each branch of government. The law established a three-part testing procedure for current and prospective judges to be administered by the council. The testing procedure was designed to reduce judicial incompetence and corruption. The Constitutional Court ruled in November 1998 that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond 2001 if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination.

The first judges' examination was administered in February 1998. A total of 5 examinations were administered by the end of 1999, and some 250 judges had passed. A total of 176 judges passed both the exam and a vetting process and replaced judges who had not.

Supreme Court justices also were required to take the examination. They resisted the requirement, arguing that the exam was an infringement on judicial independence and that, since they were confirmed by Parliament, they already were subject to public scrutiny and review. The Court's Chief Justice appointed 12 new justices, 10 of whom had passed the judicial exams. Some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policemen and Procuracy officials reportedly is common (see Section 1.c.). The Procuracy is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Procuracy into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his location as soon as possible. However, these rights are not observed fully in practice. Authorities frequently do not permit detainees to notify their families of their location. Defense attorneys and family members often have difficulty obtaining permission from investigators to visit clients. Investigators seldom inform individuals of their rights. There were lengthy delays in trials. Human Rights Watch noted that defense counsel is not required to be present at any pretrial hearings and that defendants and their attorneys regularly complained that they were not notified of scheduled hearings.

Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. Local police authorities limited lawyers' access to detainees. In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of the year, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program and that local police authorities limited their access to detainees. For example, in 1999 one lawyer witnessed police beating a detainee; when she began to question the police, she was pushed out of the room. When representatives from NGO's and the Government arrived at the station, the police chief denied that any beating had occurred. While the district prosecutor promised to investigate the case, there had been no investigation by year's end. The Parliamentary Committee on Human Rights and National Minorities also created a card listing a citizen's rights in case of arrest. By year's end, it had distributed 25,000 or 31,000 printed cards to students, NGO's, and visitors to the Committee.

In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of 2000, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program, and that local police authorities were limiting their access to detainees.

Parliament passed the legislation required to implement constitutional protections in 1997. The implementing legislation included the Criminal Procedures Code and



the Law on the Procuracy. These laws were designed to create a legal system with adversarial trials by reducing the powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary; however, amendments to the Criminal Procedures Code adopted in 1999 and significantly weakened many of these provisions. As in the Soviet period, prosecutors continue to direct criminal investigations, supervise some judicial functions, and represent the State in trials. Most criminal trials continued to follow the Soviet model. Prosecutors continued to wield disproportionate influence over outcomes. The Criminal Procedures Code prohibits the same judge who signed a warrant from hearing the case; this rule frequently was violated outside of Tbilisi, since few regions have more than one judge.

The Soviet system of state-employed criminal defense attorneys began to break down in 1998. Individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured to accept a state-appointed attorney. The Procuracy not only had control over state-appointed lawyers; it also determined whether a defendant's request to change lawyers was granted. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi and one NGO was planning to open regional offices in 2001. Human Rights Watch noted that detainees sometimes are coerced by procurators to accept state-appointed attorneys or other attorneys who do not vigorously defend their interests.

The quality of attorneys is uneven. In addition, licensing of forensic medical examiners and other experts is not an assurance of competence.

International and local human rights groups agree that there are some political prisoners but disagree as to the number, giving estimates ranging from 25 to 54. A number of these individuals—including members of the Mkhedrioni, Gamsakhurdia supporters, and state security personnel committed criminal acts and were tried and sentenced for them on criminal grounds, although they may have had political motives. According to some local observers, detained political leaders of Gamsakhurdia's supporters never took up arms and should be considered political prisoners. Several, including Valter Shurgaia, Zviad Dzidziguri, and Zaur Kobalia, were still in prison at year's end. These individuals—political leaders of Gamsakhurdia's movement—were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are serving sentences ranging from seven to twelve years. President Shevardnadze pardoned about ten political prisoners during the year, including former National Guard commander Tengiz Kitovani and Nicholas Kvezereli. The latter was convicted, along with Jaba Ioseliani, of the 1995 assassination attempt on the President. Two others who were imprisoned for attempting to assassinate Shevardnadze also were released. The 1998 trial of Jaba Ioseliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze was characterized by the same violations found in other recent trials with political overtones. The Government consistently violated due process both during the investigation and the trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. Ten of the defendants claimed to have been beaten or tortured and coerced to confess during the investigative stage of the case. They allegedly were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons or have not yet been convicted. Some procedures were violated for those suspected of involvement in the 1998 assassination attempt on the President. The suspects were held beyond the legal maximum period of pretrial detention (see Section 1.d.).

On February 2, four Zviadists (followers of Gamsakhurdia) began a hunger strike demanding amnesty for all political prisoners. They were joined by a number of sympathizers outside the prison. A local NGO, Former Political Prisoners for Human Rights, and journalists were denied permission to visit the hunger strikers in prison. On April 8, the hunger strike ended after Chairman of Parliament Zurab Zhvania promised that the Parliament would deal with the question of strikers' amnesty, as well as the matter of amnesty for all involved in the 1992–93 civil war.

On April 20, President Shevardnadze pardoned or reduced the term for 279 prisoners convicted in connection with the civil war and many participants in the 1995 assassination attempt, including Mkhedrioni leaders Jaba Ioseliani and Dodo Gugeshashvili. On April 22, the Parliament passed a resolution on national reconciliation. The resolution required the Procuracy to review the cases of those convicted in connection with the civil war and to create a list of convicts to be released

by July 30. By year's end, 85 Zviadists were released under the program. Most of those remaining in prison had been charged or convicted of murder.

Tengiz Asanidze, who was pardoned by President Shevardnadze in October 1999, remained in prison in Ajara. The authorities in Ajara refused to release him and later accused him of abduction and of financial crimes. He was awaiting trial at year's end. Asandize ran as a presidential candidate; as a result, the OSCE was able to visit him in prison. The Council of Europe's High Commissioner on Human

a radio and television network with a national audience; they reflect official viewpoints.

Most persons continue to get their news from television and radio. The Government's monopoly on television news was broken when Rustavi-2, a member of the independent television network TNG, emerged in 1998 as an important alternative to state television, after successfully resisting 2 years of government attempts to shut it down. It now is considered the only station other than the state-run channel with a national audience. In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO that works with the press estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations are ostensibly independent, a lack of advertising revenue often forces them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, have relatively independent media. Rustavi-2 has a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent newspapers and television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities, practice self-censorship.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements. For example, Clara Abramia claimed that the police harassed her after she criticized the Internal Affairs Minister in a series of published articles. According to press reports, the Minister had requested that the Procuracy bring a criminal case against her, but the Procuracy refused citing a lack of evidence. She was granted political asylum in Sweden in February.

Gia Abdalaze, a photographer for Kviris Palitra newspaper, alleged that four police officers beat him and broke his camera outside the Tbilisi Sports Palace on April 8. He was attempting to photograph police beating several youths who were attending a pre-election concert. He filed a complaint with the Saburtelo district police and the Procuracy. He claimed that the police threatened that they would plant narcotics on him and beat his family. The Procuracy never filed charges against the police. A group of NGO's protested the beating.

On May 19, Akaki Gogichaishvili, the lead reporter for "60 Minutes," Rustavi-2's weekly investigative journalism series, announced that he had received a death threat indirectly from the Procurator's office. He was warned to stop broadcasting or face criminal charges, and then via a relative he was told to leave the country for his own safety. Following Gogichaishvili's May 19 announcement, NGO's and members of the public gathered to protest the threats on his life. This threat allegedly was connected to allegations of corruption in the Georgian writers' union broadcast on his February 26 and April 2 programs. In May the President issued a directive to the Ministers of State Security and Internal Affairs, the Procurator, and the Chamber of Control to investigate the allegations made by 60 minutes against the union. On May 11 the union was exonerated of corruption charges. Prior to the incident in May, Gogichaishvili and others on his staff had received death threats and been harassed.

On July 27, in Tbilisi, Vasiko Silagadze, a reporter for Eco Digest was beaten severely and his right thumb and forefinger slashed after he wrote a series of stories about alleged corruption of senior officials in the Ministry of Internal Affairs. Silagadze claimed that he was attacked again on September 7. The Procuracy was investigating the first attack at year's end.

On August 16, a mob led by Orthodox extremists, attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

In October President Shevardnadze publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." He asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage.

On October 16, Antonio Russo, a reporter for Radio Radicale, was found dead outside of Tbilisi (see Section 1.a.).

On October 14, 1999, George Kupuradze, a reporter for Rezonansi newspaper, and Sergei Belousov, a photographer, alleged that they were beaten severely by Devnoz Gabatashvili and other policemen when they tried to intervene on behalf of another person whom they claim was being beaten by police. Kupuradze suffered a concussion. He lodged a formal complaint and reportedly identified all three police officers involved at an identification procedure in the Gldani procurator's office. Only Gabatashvili was brought to trial and was charged with exceeding his authority and intentionally inflicting injury. Kupuradze alleged that the police officers tried to bribe him not to pursue the case. The Tbilisi court began hearing the case, but found the investigation inconclusive and referred the case back to the Procurator's

office for further investigation. Kupuradze appealed, but the decision was upheld by the Supreme Court in September.

In 1998 the trial of two journalists from the independent newspaper *Orioni* who reported allegations of sexual harassment and homosexuality in the armed forces was postponed indefinitely in April 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. One of the two journalists, Amiran Meskheli, was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit about which he had reported. Human rights monitors considered this an attempt at intimidation and filed a lawsuit to overturn his conscription. Meskheli remained free on bail.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, especially in the regions, understand the legal protections afforded journalists and few have the resources to hire a lawyer to pursue court cases. Some have enlisted the assistance of the NGO community.

The 1999 Law on Post and Communications removed the telecommunications licensing process (including radio and television) from the direct control of the Minister of Communications and established an independent, self-financed, three-person regulatory commission to create an open and transparent process. However, the commission has not yet become active.

Channel 25 is the only independent television station broadcasting in Ajara, and has been operating since 1998. On February 14, it broadcast its first uncensored news coverage. On February 19, three of the four owners of the station alleged that they were coerced by Ajara regional government officials and Mikhail Gagoshidze, chairman of Ajara Television and Radio, to cede 75 percent of the company's shares to Gagoshidze. The owners stated that in return they were forced to take \$50,000 (100,000 laris) in cash. The same day, Batumi mayor Aslan Smirba physically assaulted Avtandil Gvasalia, the station's commercial director. Smirba claimed that he had a right to own the station, as he had helped the company get permission to broadcast. The owners brought suit against Gagoshidze, but lost their case in Ajara regional court. The case was in the appeal process at year's end.

The Government does not limit access to the Internet.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly without prior permission from the authorities; however, both the national Government and local governments sometimes restrict this right in practice. A 1997 law on freedom of assembly requires political parties and other organizations to give prior notice and obtain permission from local authorities if they intend to assemble on a public thoroughfare. Members of the local NGO community believe that the law violates the Constitution and have sought to have it overturned by the Constitutional Court. However the Court refused to hear the case, explaining that a test case must be brought before it in order for it to consider the challenge, and that, an individual must prove that he has been harmed by this law. Most permits for assembly are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists, supporters of former President Gamsukhardia. Extreme Zviadists never have accepted any successor to the Gamsakhardia government as legitimate and held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity they generated for themselves and against the Government. The police broke up one of their rallies held in May 1999 and another in October. A hunger strike involving several hundred persons and conducted in the shell of Gamsakhardia's burnt-out villa in Tbilisi since mid-June 1999 was not disturbed and continued at year's end.

During the year, numerous rallies were held throughout Tbilisi and in other cities to protest pension and wages arrears. Police did not interfere. In June approximately 300 displaced persons gathered outside the Constitutional Court to demand payment of their overdue allowances. The police prevented the group from protesting in front of the Parliament. During the fall, demonstrations protesting energy shortages were common and allowed to proceed without hindrance. In February Zviadist politician Leila Tsomaia was beaten by two unidentified men in Tbilisi and hospitalized with a concussion. Zviadists claimed that she was beaten in order to prevent a rally the following day. She never filed a complaint. On April 6, Tsomaia and another opposition politician, Luisa Shakashvili, were escorted by the police out of the city, allegedly to prevent them from participating in a rally. In February 1999, she and Tamila Nikoldaze, a fellow Zviadist, had been pardoned and released from prison. They had been incarcerated on charges of civil disorder for attempting to stage a rally in front of Tbilisi university in 1997.

During the year, the police broke up rallies or gatherings and meetings held by various religious groups or watched while members of the public disrupted them (see Section 2.c.). Local authorities several times prevented Jehovah's Witnesses from conducting open-air assemblies on private and public property. In September police did nothing to prevent and allegedly participated in the break-up of two such assemblies in Zugdidi and Marneuli by followers of a radical former Orthodox priest, Father Basil Mkalavishvili. Jehovah's Witnesses reported ongoing threats and harassment by local police and other authorities in the fall (see Section 2.c.). On December 15, in the village of Uraveli, a group of 100–150 persons surrounded a house where 40 Jehovah's Witnesses had gathered and forced them to flee the area. On December 18, Father Mkalavishvili and his followers tried to disrupt construction work on a Pentecostal meeting hall in Tbilisi. On December 19, followers of Father Mkalavishvili tried to enter Guram Markozashvili's Tbilisi residence in order to force him to sign a document stating that he would no longer conduct meetings of Jehovah's Witnesses in his home.

According to press reports, police prevented a group of Chechens from starting a public walk for peace to Azerbaijan from the Akhmeta district on February 14. One participant allegedly was beaten. The authorities reportedly stated that the action was not registered and therefore was illegal.

In the Baghdati region of Imereti, police attempted to prevent a foreign labor union official and representatives of the Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) from holding a meeting (see Section 6.a.).

Some rallies of opposition presidential candidate Jumber Patiashvili were disrupted, and in some areas he was denied permission to use public buildings (see Section 3).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination. However, on June 24, the Tbilisi appellate court overturned the registration of two organizations affiliated with Jehovah's Witnesses on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history without further defining it, but also stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox church and not for any other religion. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. Various draft laws, some modeled on the Russian law on religion, have been rejected by Parliament.

Certain members of the Georgian Orthodox Church and the public view non-Orthodox, so-called "sects" as a threat to the Church and Georgian cultural values, a perception that some politicians exploited during elections. Local police and security officials at times harassed foreign missionaries and non-Georgian Orthodox congregations or did not intervene when others harassed them. For example, on September 16, the police and followers of the excommunicated priest Basil Mkalavishvili prevented Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers and burning and looting the convention site (see Section 2.b.). Jehovah's Witnesses allege that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the so-called Basilists. The head of the Marneuli district administration was dismissed on September 19 for undisclosed reasons following the incident there. An investigation was being conducted at year's end.

On September 9, police impeded buses from traveling to a Jehovah's Witnesses convention in Zugdidi. The convention began as scheduled, but was cut short due to pressure from local authorities, according to Jehovah's Witnesses. As the convention was dispersing, unidentified persons attacked some followers, looted the private property on which the convention was held, and burned the rostrum. According to Jehovah's Witnesses, the attackers were dressed in special forces uniforms.

On May 29, 1999, the police violently broke up a public prayer meeting of the Assembly of God in the Gldani district of Tbilisi, beating a number of members, pushing a 60-year-old woman to the ground, and screaming threats of murder. Church members sued police and prior to the subsequent civil trial, Ministry of Internal Affairs officials repeatedly harassed the pastor and members of the congregation. At the trial on August 16, 1999, the judge ruled that the police had not violated the

individuals' constitutional rights. The group filed an appeal and incurred further harassment from law enforcement authorities. On August 29, 1999, a riot allegedly instigated by the police broke out at one of the organization's churches. Some members were beaten, and the police confiscated some members' documents, forcing the victims to retrieve them at the police station.

In July and August Customs officials and security officials impounded over 40 tons of religious materials being imported by Jehovah's Witnesses. The materials were not released, despite intervention by the National Security Council official responsible for human rights. The Customs Department stated that it had received notification that the Tbilisi Appellate Court had annulled Jehovah's Witnesses' organizational registration and therefore legally had to hold the literature. Jehovah's Witnesses filed suit against the Customs Department and officials in August; and their literature was released in December.

In September the Government refused to extend the visa of the official representative of the Watchtower Society (Jehovah's Witnesses) to the Caucasus; however, he later was issued a visa.

In October 1999, a Jehovah's Witnesses' worship service of 120 parishioners in the Gldani section of Tbilisi was attacked violently by renegade Georgian Orthodox group (see Section 5). (The leader of this group was excommunicated from the Church due to its radical and confrontational stance). The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite the advocacy by the National Security Advisor for human rights on behalf of Jehovah's Witnesses, in January the Gldani regional prosecutor's office returned the case to the city prosecutor's office, stating that no violation had occurred. The group continues to press for prosecution of the police's behavior in this and similar subsequent incidents. Instead, the official in charge of the investigation decided in June to charge one of the plaintiffs with hooliganism. On September 28, the two were given suspended sentences of 6 months and 3 years, respectively. The two witnesses are planning to appeal their conviction. The judge also referred for further investigation the case of two followers of excommunicated priest Father Basil Mkalavishvili, who were charged with burning Jehovah's Witnesses literature during the same incident; however, unlike those of Jehovah's Witnesses, these cases were later dismissed.

A member of parliament brought a civil suit in April 1999 to ban Jehovah's Witnesses, arguing that the organization is antiOrthodox, antistate, and antinational. Appeals by Jehovah's Witnesses to an appellate court and then to the Supreme Court contending that the suit was groundless were refused. The Supreme Court stated that the lower court first must hear the case. In November 1999, the lower court judge remanded the issue to an academic study group to study the literature of Jehovah's Witnesses. In February the Isani-Samgori district court dismissed the lawsuit based on the opinion of an academic panel. The case was appealed to the Tbilisi district appeals court, and on June 23, the court ruled in favor of the member of parliament. Jehovah's Witnesses' appealed to the Supreme Court; a hearing was scheduled for January 2001.

On January 16, two members of Jehovah's Witnesses were attacked on the street in Gldani. On February 13, another pair of members was attacked. They filed a complaint with both the police and the prosecutor; both refused to pursue charges.

On August 20, the chief of the Tianeti District police and three other policemen reportedly dispersed a service in a Baptist Church and looted the property. The pastor allegedly was taken to the police station and threatened with future arrests. No action had been taken against the policemen by year's end.

On September 28, police raided a Hare Krishna meeting house in Tbilisi and confiscated a large amount of religious literature.

The Roman Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which later were given to the Georgian Orthodox church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed. The Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. However, a new Catholic Church opened in Tbilisi in 1999 and another in Batumi during the year.

Regular and reliable information about the "Republic of Abkhazia," which is not recognized by any country and over which the government of Georgia does not exercise control, is difficult to obtain. The Abkhaz "President," Vladislav Ardzimba, issued a decree in 1995 that banned Jehovah's Witnesses in Abkhazia. It remains in effect. A number of members of Jehovah's Witnesses were detained subsequently. Five persons who were detained in April 1999 for violating the decree were released

in early May after their counsel argued that their detention violated a freedom of conscience clause in the Abkhaz Constitution.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution, the 1993 Law on Migration, and other legislation generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's place of residence is not required, nor were internal passports. Old Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards are expensive and difficult for many members of the electorate to obtain, especially in poorer and more remote rural areas.

On July 21, border guards prevented Jehovah's Witnesses traveling from Armenia from entering the country, claiming that the group no longer was a legal organization in Georgia. Only after official authorization by the head of the border guards were the followers permitted to cross.

Approximately 275,000 so-called "Meskhetian Turks," who were expelled from southern Georgia to Central Asia by Stalin in the 1940's, still face both official and public opposition to their return in the face of threats by local ethnic-Armenian inhabitants of the Samtske-Javakheti region and officials of the government of Armenia that their return to the region would cause a violent reaction. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless.

In 1996 President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. The decree has never been implemented, and to date only a few hundred Meskhetians have returned as illegal immigrants. The Government has provided housing for most of them, but because they were to be the subject of a separate law, which has not yet been passed, they were deprived early in 1998 of their refugee status and, consequently, of their housing subsidy. Most of the approximately 600 Meskhetians living in the country have Georgian citizenship.

In December 1997, Parliament passed a law entitled "Recognizing Georgian Citizens as Political Victims and Social Protection of the Repressed." This law, intended to rehabilitate victims of the Soviet era, specifically excluded the Meskhetians, whom it identified as the subject of a separate law. Draft legislation regarding Meskhetians has yet to be introduced in Parliament.

In March 1999, a presidential decree was issued to address the Meskhetian issue. It established the State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia. In connection with its accession to the Council of Europe in April 1999, the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July 1999, the Government announced that it had granted citizenship to 36 Meskhetians.

The 1994 quadripartite agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDP's) and refugees to their homes. The Abkhaz separatist regime prevented virtually any official repatriation and unilaterally abrogated the agreement in late 1994. From 1994 to May 1998, an estimated 53,000 of the 283,000 IDP's and refugees from Abkhazia returned spontaneously, most to the southern part of the Gali district. In May 1998, the unstable security situation in Gali deteriorated into open warfare between the Abkhaz militia and Georgian partisans and MOI troops. The partisans were defeated and, in the aftermath, many of the Georgian returnees fled once again as their homes were burned and looted by Abkhaz separatist forces.

In January 1999, the Abkhaz separatists unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did so in the absence of measures acceptable to the Georgian Government for ensuring their safe return and security. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to Gali to tend their property. Since May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in Gali on a more or less permanent basis.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions fled to Russia. In 1997 the UNHCR began a program to return IDP's and refugees to their homes. Both sides created obstacles that slowed the return. There were about 24,000 Ossetian refugees living in North Ossetia, Russia. To date about 370 Ossetian families from Russia have returned, the majority to South Ossetia. The South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although approximately 200 families returned. For political reasons, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. In 1997 the Government

publicly recognized the right of Ossetian refugees to return to their homes in Georgia but took little action to facilitate their return. Persistent opposition by Georgian authorities, especially at the local level, over the return of illegally occupied homes has prevented the organized return of Ossetian refugees to Georgia proper. During the year, approximately 13 Ossetian refugee families returned to South Ossetia, 11 Ossetian refugees returned to Georgia proper, and 32 Georgian IDP families returned to South Ossetia. Since the outbreak of hostilities in the Chechnya region of Russia in September 1999, the Government has registered approximately 7,000 refugees from that region. Most were women and children and settled in the Pankisi Gorge.

There is no effective law concerning the settlement of refugees or the granting of political asylum, including first asylum, in accordance with the principles of 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Parliament passed an asylum law in March 1998, but it is not fully consistent with international standards as set out in the U.N. Convention.

According to the UNHCR, the Government processed no asylum cases during year, one in 1999, and none in 1998. There were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully through regular elections; however, the April presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

Presidential elections were held on April 9. There were seven official candidates, although two candidates, Aslan Abashidze and Tengiz Asanidze, withdrew less than 24 hours before the election. Only two candidates campaigned actively: the incumbent, President Eduard Shevardnadze, and Jumber Patiashvili, both former leaders of the Georgian Communist Party during the Soviet period. International observers strongly criticized the election. The CEC reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. The OSCE noted serious irregularities, including instances of ballot stuffing, group voting, groups of identical signatures on voters lists, media bias, and lack of transparency in vote counting and tabulation. Some observers also noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated in the counting process. In general procedural safeguards were not implemented. The CEC annulled the election results of six polling stations.

During the campaign period, Patiashvili protested unfair media coverage. Eleven candidates applied for registration to the CEC. Seven parties nominated and registered independent candidates through a procedure that was not fully transparent. Former President Gamsakhurdia's finance minister Guram Absanidze, who was accused of organizing an assassination attempt against President Shevardnadze in 1998 (see Section 1.e.), applied to register as a presidential candidate. The CEC rejected his application, since he had not been living in the country for 2 years before the election. On August 31, the Supreme Court overturned this decision. At year's end, Absanidze was awaiting trial after his escape from prison and subsequent recapture in October.

The Revival Bloc, a coalition of opposition political parties also known as the Batumi Alliance and closely linked to Ajaran leader Aslan Abashidze, claimed that the election discredited the political process in the country. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. A number of opposition rallies were disrupted by police or bureaucratic obstacles were erected to prevent their organization (see Section 2.b.).

Extensive amendments to the electoral laws were adopted less than three weeks before the presidential election, causing confusion in the administration of the election. There was inadequate time to implement some of the amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in October 1999. Thirteen electoral blocs and 34 political parties fielded candidates for 150 proportional and 75 majoritarian seats. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments, but noted that the election process did not meet all commitments. A number



of irregularities were noted, including restrictions on freedom of movement, which on occasion prevented political parties and observers from exercising their rights. A second round was held on November 14, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. The OSCE cited in particular intimidation of members of precinct election commissions and instances of ballot stuffing in Tbilisi, Abasha, and Chkhorotsku. The OSCE noted problems such as the election law's provision permitting the ruling party to dominate all levels of the election administration, the CEC's insufficiently transparent vote tabulation, and the CEC's poor handling of election complaints. In the Autonomous Republic of Ajara, dominated by Ajaran supreme chairman Aslan Abashidze, fraud was widespread. There was no voting in these elections in the separatist regions of Abkhazia and South Ossetia, which remain outside government control. Ten Members of Parliament from Abkhazia elected in 1992 had their terms extended.

The local governments elected in November 1998 were expected to have more authority over how local government is run; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines made it difficult for them to exercise authority. The opposition criticized the Government for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve.

The division of power between the central and local governments remained a key issue in the country's transition to democracy.

The degree of actual autonomy to be exercised by the "Autonomous Ajaran Republic" was at the center of this debate during the year. Ajara's post-independence relationship to the rest of the country still was undefined and, in matters such as elections, Ajara's authorities claimed that regional laws took precedence over national laws. The Revival Party, the dominant political party in Ajara led by Aslan Abashidze, the supreme chairman of the Ajaran Autonomous Republic, boycotted the national Parliament for much of the year in a dispute with the CUG over the degree of autonomy in Ajara. The party took part in the October 1999 parliamentary elections as the major opponent to Shevardnadze's CUG. The Government was reluctant to challenge interference in the local electoral process by the Ajaran authorities because it sought to avoid encouraging threats of separatism in this ethnically Georgian, but historically Muslim region.

In the November 1998 local elections, the mayor was elected by a direct vote in Batumi, in contrast to the other major cities. In the October 1999 parliamentary elections, international and domestic observers reported various forms of intimidation and abuses in Ajara, as well as outright fraud.

In April the Parliament granted the former autonomous Soviet Republic of Ajara the constitutional status of an autonomous republic. The division of authorities and competencies between the national and Ajaran governments had not yet been defined.

Women are underrepresented in government and politics; however, women's NGO's took an active role in the 1999 parliamentary election season, engaging candidates in discussions about issues of concern to their memberships. In the 235-seat Parliament, women were represented poorly in the 1999 election with only 16 women winning seats. Only two women held ministerial posts.

Representation of national minorities decreased in the new Parliament from 16 members to 13 members; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Ethnic Armenians in 1995 constituted 11 percent of the population as a whole, while ethnic Azeris made up 3.8 percent of the population. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

"Presidential elections" were held in Abkhazia in October 1999. International organizations, including the U.N. and the OSCE declared them illegal. Georgian authorities criticized them as having no legal basis, as they had the Abkhaz local elections of March 1998, on the basis that a majority of the population has been expelled from the region.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights*

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups that are extensions of partisan political groups have little credibility or influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. They continued to view the Parliamentary Committee on Human Rights as the most ob-

jective of the Government's human rights bodies. The National Security Council's human rights advisor was engaged on some human rights matters, including those of Jehovah's Witnesses (see Section 2.c.).

The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, was created in 1995. The first ombudsman was appointed to the position in November 1997 and chose to focus on social and economic issues, rather than on defending political and civil rights. He resigned in August 1999. On July 16, Nana Devdariani was appointed to the position. While government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform. NGO's can and do bring suits to courts of the first instance on behalf of persons whose rights have been abused.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate security incidents and human rights abuses. The office, which has operated sporadically because of fluctuating security conditions, provides periodic findings, reports, and recommendations. The human rights office in Sukhumi registered relatively few complaints of abuse by de facto police and judicial authorities in the region.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence, and the Government generally respected these rights. The Constitution stipulates Georgian as the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities prefer to communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

*Women.*—The Criminal Code, in force since June 1, classifies marital rape and sexual coercion as crimes. There are no laws that specifically criminalize spousal abuse or violence against women. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs with some frequency and, since it is a social taboo to go to the police or otherwise to raise the problem outside the family, it is reported or punished only rarely. Spousal abuse is reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO, with the help of an international NGO, opened a shelter for abused women in the spring of 1998. The Government established a hot line for abused women, but provided no other services. There are currently anonymous telephone services specialized in assisting female rape victims, but there are no shelters, specialized services, or other mechanisms to protect and assist them. In February the President approved a national action plan on combating violence against women, which charged the Ministries of Internal Affairs, Labor, Health and Social Affairs with providing support to victims; however, this plan was not implemented at year's end. Sexual harassment, reportedly a problem in the workplace, was not investigated.

Kidnaping of women for the purpose of marriage continues to occur, especially in rural areas, although the practice is declining. Such kidnapings are often arranged elopements; however, these abductions often occur against the will of the intended bride, and sometimes involve rape.

Prostitution is not a criminal offense. There were proposals to create legal controls for prostitution, in part to prevent the spread of venereal diseases. The President has indicated his opposition to the idea.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Sexual harassment and violence against women in the workplace is a problem, especially as economic conditions worsen, according to a U.N. Development Program report.

The Civil Code gives women and men equal inheritance rights. A number of women's NGO's, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy, promote women's rights. NGO's supported a 1998 poll of women conducted by Women for Democracy, which found a gap between the perceptions of older and younger women. Older women tended to view their place in traditional society as an honored one; younger women reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women also reported that the economic balance had shifted in their favor, as many traditionally male jobs disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for

older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. Many women, especially of the generation under the age of 35, hold highly professional positions. However, these are a lower percentage than men. A study released by the Caucasus Center for Sociological Studies during the year noted that 72 percent of working women no longer believe that they should have a dependent role in the family. However, almost half of these women stated that they would compromise this belief to preserve the family unit. Many women seek employment abroad.

A study released in 1999 reported that women were paid 78 percent of men's wages in the public sector and 67 percent of men's wages in the private sector. The Government's data noted a wider disparity in both categories. Reportedly, men were given preference in promotions. Of the 105,000 unemployed persons throughout the country, 55 percent were women. Women rarely fill leadership positions. The Government had no active efforts focused on women's issues. According to the UNDP, employers frequently withhold benefits connected to pregnancy and childbirth.

*Children.*—Government services for children were extremely limited. The 1995 Health Reform Act withdrew free health care for children over the age of 3 years. While education is officially free, many parents were unable to afford books and school supplies, and most parents have to pay for their children's education. The Ministry of Education announced in that it was beginning an overhaul of the educational system; however, no action had been taken by year's end.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. The private voluntary organization Child and Environment noted a significant increase in the number of homeless children following the collapse of the Soviet Union. It estimated that there are currently more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The organization opened a shelter in 1997. The Ministry of Education opened a second shelter in July 1998. However, even together, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, even in areas of acute need such as Kutaisi, Zugdidi, and Batumi, no such facilities or services existed. The children increasingly survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children. Despite a cultural tradition of protecting children, the Government took little official action to assist street children due to a lack of resources.

The Isolator for street children in Gldani is allegedly overcrowded and children frequently are abused. In September police beat and detained Sasha Duchenko in the Gldani facility for 3 days before his parents were informed. His parents had reported him missing to their local district police station. However, the child had not been registered and his parents at first were told that he could not be found. The police then tried to extort money for the boy's return. The child was released only after a public protest.

The lack of resources negatively affected orphanages as well. In all orphanages children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The adult staff was paid poorly and had many months of unpaid wages. The staff often diverted money and supplies provided to the orphanages for its own use.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment of 3 months to 3 years.

*People with Disabilities.*—There is no legislated or otherwise mandated provision requiring access for the disabled. However, the 1995 Law on the Social Security of Disabled Persons mandates that the State ensure appropriate conditions for the disabled to use freely the social infrastructure and to ensure proper protections and supports. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period have been closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations.

*Religious Minorities.*—The Georgian Orthodox Church repeatedly has spoken out against so-called "sects" and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign missionaries continued to report harassment on the part of extremist Orthodox groups, local police, and security officials (see Section 2.c.).

There was no pattern of anti-Semitism. The Jewish community experienced delays in the return of property confiscated during Soviet rule. A court ordered a former synagogue, rented from the Government by a theater group, to be returned to the Jewish community in 1997. The theater group refused to comply and started a pub-

licity campaign with anti-Semitic overtones to justify its continued occupation of the building. In December 1997, President Shevardnadze promised Jewish leaders that the synagogue would be returned before the celebration of 2,600 years of Jewish settlement in Georgia, on September 9, 1998. However, the President's order was not enforced and the building remained in the hands of the theater group. The district court ruled again in February 1999 that the synagogue building must be returned to the Jewish community and ordered the city to find other premises and provide compensation for the theater company. However, the case was appealed and on, July 3, the Tbilisi appellate court overturned the February 1999 decision. The Jewish community plans to appeal to the Supreme Court.

On April 19, Jehovah's Witnesses services were dispersed in four different cities in the western part of the country. Complaints were lodged, but no charges were filed. On May 17, the excommunicated priest Basil Mkalavishvili and his followers held a protest demonstration outside Parliament, demanding that the Georgian Orthodox Church be declared the state religion and that Jehovah's Witnesses be banned. The Basilists also tried to beat an official of Jehovah's Witness and burned a photograph of a prominent human rights activist who has been active on behalf of oppressed religious minorities. On May 18, the Basilists held a rally in front of Parliament to protest the activities of nontraditional religious groups and NGO's.

In January and February police and prosecutors refused to prosecute persons who attacked members of Jehovah's Witnesses.

On July 28, in Gldani a large mob of Father Basil Mkalavishvili's supporters encircled and forcibly stopped a busload of Jehovah's Witnesses traveling to a religious gathering in Marneuli. The attackers disabled the bus by puncturing a tire, and they shoved, pushed, and struck the men, women, and children as they left the vehicle. Shortly thereafter the attackers traveled to Marneuli and demanded that the local police disperse the religious gathering. In August more than a dozen followers of Basilia assaulted two members of Jehovah's Witnesses. These two attacks followed a court decision on June 26 to revoke the registration of Jehovah's Witnesses in the country.

In early August, a prayer meeting of Jehovah's Witnesses was broken up by unidentified armed men. In Kutaisi, two traffic police officers stopped a member of Jehovah's Witnesses, tore up his religious literature, and beat him.

On August 16, a mob of 80 Orthodox extremists, wielding metal crosses and icons, disrupted a packed courtroom in Tbilisi after the testimony of an Orthodox woman accused of sharing in an earlier violent attack on Jehovah's Witnesses. The mob attacked journalists, lawyers, and members of Jehovah's Witnesses who were in the courtroom.

In October 1999, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect led by the excommunicated priest Basil Mkalavishvili. The Gldani police refused to intervene. Sixteen persons were injured in the attack. President Shevardnadze, in a televised appearance, publicly criticized the attack and called for prosecution of the attackers. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite appeals by the National Security Advisor for Human Rights, the Gldani regional prosecutor's office returned the case to the city prosecutor's office in January, stating that no violation had occurred. The group continues to press for prosecution of police in this and similar subsequent incidents (see Section 2.c.). The official in charge of the investigation decided instead in June to charge two of the plaintiffs, as well as two Basilists, with hooliganism. On August 16 and 17, at the first hearing of the trial in Gldani-Nadzaladevi court, Basilists attacked journalists, human rights advocates, and members of Jehovah's Witnesses. The police did not intervene and the Procuracy is conducting an investigation. The trial resumed without incident on September 18 and on September 28, the two Jehovah's Witnesses were found guilty and given suspended sentences. The two Basilists were not convicted and their cases were returned to the Procuracy for further investigation.

On August 26, a cross-erected at the Zedazeni Monastery by the international Georgian Youth Foundation to commemorate the war in Abkhazia was blown up. This apparently was due to the organizer's association with a religious group led by Boris Ivanov. On August 31 the patriarch of the Georgian Orthodox Church criticized the violence. On October 1, a meeting of Jehovah's Witnesses was disbanded by police in Tsageri, according to the group's public affairs office in Tbilisi.

*National/Racial/Ethnic Minorities.*—The Government generally respected the rights of members of ethnic minorities in nonconflict areas but limited selfgovernment and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). The Government reportedly provided less funding for schools in ethnic

Azeri and Armenian areas than in other parts of the country. School instruction in non-Georgian languages is permitted.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the 1997 Law on Trade Unions provide for the right of citizens to form and join trade unions. The Law on Collective Agreements was passed in 1997.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG). The ATUG is the successor to the official union that existed during the Soviet period. The union broke from the central Soviet labor confederation in 1989. Its present structure was established in 1992, after the union had resisted efforts first by the Gamsakhurdia Government and later by the State Council to bring the union under government control. The ATUG consists of 31 sectoral unions. Representatives to the ATUG congress elected its leadership indirectly for a period of 5 years in 1995; elections were held again in November.

The organization officially claims 600,000 members but acknowledges that the number of active, dues-paying members is lower. The union has no affiliation with the Government and receives no government funding (except for support to send 200 children each year to summer camp). The union sees its primary role as defending the economic and social interests of workers, a departure from its Soviet predecessor, which was essentially an administrative body concerned with property and finance rather than with worker rights. The ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers. These were mostly wildcat actions. In each case, the issue was unpaid wages. On December 23, 1999, the ATUG led a demonstration in front of the State Chancellery to demand that back wages and pensions be paid. The State Minister met with leaders and promised to meet with unions in January to resolve the problem; however, no meetings took place by year's end.

On January 31, 1999, President Shevardnadze signed a decree that ordered all governmental agencies to consult and negotiate with unions. During the year, the Health and Social Welfare Ministry took steps toward negotiating agreements with unions.

In 1998 the ATUG brought suit against the Ministry of Internal Affairs for illegally firing 220 employees in the MOI's visa office. The suit was to be decided on a case-by-case basis. To date several employees have been ordered reinstated, but the MOI has refused to do so.

There are two trade unions independent of the ATUG. The Free Trade Union of Teachers of Georgia "Solidarity" based in Kutaisi (FTUTGS) successfully struck for payment of teachers' back wages in 1999. The Independent Trade Union of Metropolitan Employees was formed in Tbilisi during the year.

On June 22, the police initially prevented a foreign official of a teachers' union, accompanied by representatives of the FTUTGS, from meeting with teachers in Bagdati, a town in the Imereti region. Local authorities allegedly told the minivan driver that his van would be confiscated if he were to transport the group to Bagdati. When the group entered Bagdati on foot, the local police chief and district administrator each claimed that the FTUTGS had no right to organize the meeting. Eventually, the foreign official was able to conduct a meeting, although members of the local ATUG teacher's union disrupted it.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG worked closely with the International Confederation of Free Trade Unions (ICFTU). In February a delegation from the ICFTU held a joint conference with International Labor Organization (ILO) and the ATUG in Tbilisi. During that time, the ICFTU reviewed the ATUG's application for membership in ICFTU and recommended admittance. The AFTUG became a full member of the ICFTU in November.

In December 1999, the ICFTU reported that the Ministry of Labor was abolished. There has not been an assessment on the impact of this action.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected in practice. The law prohibits discrimination by employers against union members. Employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. The ATUG and its national unions report frequent cases of management warning staff not to organize trade unions. Some workers reportedly complained of being intimidated or threatened by employers for union organizing activity. These include teachers in the Imereti region; employees of various mining, winemaking, pipeline and port facilities; and the Tbilisi municipal government. Observers also claim that employers fail to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry

of Labor investigated some complaints but no action has been taken against companies that allegedly have violated workers' rights.

On August 22, the Free Trade Union of Teachers of Georgia "Solidarity" organized a demonstration in front of government offices in Kutaisi to demand payment of back wages to teachers in the Imereti region's school system. According to several school principals, the governor of the Imereti region told them that the FTUTGS was a "negative force" and should be resisted. Since then, a number of FTUTGS members allegedly were fired, regardless of seniority, when layoffs or staff reduction took place. According to a foreign union expert, the FTUTGS complained of increased pressure from the school authorities in the second half of the year, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings.

In 1999 the FTUTGS conducted a number of successful actions for the payment of back wages in Kutaisi.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor and provides for sanctions against violators, and in general there were no reports of its use; however, trafficking in women for the purpose of prostitution is a problem (see Section 6.f.). The Government prohibits forced or bonded labor by children and enforced this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforced these laws, and generally they were respected. The Government prohibits forced and bonded labor by children and enforced this prohibition effectively (see Section 6.c.). The Ministry of Health and Social Affairs enforces child labor laws.

*e. Acceptable Conditions of Work.*—The state minimum wage was raised in 1999 to \$10.80 (20 lari) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. The state statistics department of Georgia estimates that over half the population lives at or below the poverty line. Average wages in private enterprises were \$75 to \$100 (150 to 200 lari) monthly; in state enterprises, \$15 to \$30 (30–60 lari).

The law provides for a 41-hour work week and for a weekly 24-hour rest period. The Government work week often was shortened during the winter due to the continuing energy crisis. The Labor Code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

The old Soviet labor code, with some amendments, is still in effect. A new labor code has not been adopted.

*f. Trafficking in Persons.*—There are no laws concerning trafficking in women, and it is a problem. Trafficking in women is not prosecuted as a separate offense under the criminal law; however, other offenses connected to trafficking can be found in the Constitution and different laws such as those on slavery, forced labor, and illegal detention.

Information on trafficking is difficult to obtain, and little, if any research is done on the subject. Anecdotal reports indicate that the country is both a source and transit country for trafficking; however, due to slow economic development, poverty, and unemployment, it is not a final destination for a significant number of trafficked women. Women are primarily trafficked to Turkey and Greece, where many work in the adult entertainment sector or as prostitutes, including those who thought that they would actually be employed as waitresses in bars and restaurants or domestic help. There is also evidence that Russian and Ukrainian women have been trafficked through the country to Turkey, sometimes using fraudulently obtained Georgian passports.

There is no evidence linking traffickers to government authorities. The absence of laws aimed specifically at trafficking, together with police indifference, make it difficult for the government to pursue criminal cases against suspected traffickers.

There are no government policies that deal with the problem of trafficking. There are now several NGO's in country that are involved in dealing with trafficking and its victims. During the year, the NGO Women Aid Georgia received international funding to launch a wide-scale public information drive to educate women about the dangers of trafficking.

## GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there have been instances in which police committed human rights abuses.

A well-developed industrial economy provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances in which police were accused of human rights abuses, mostly against foreign residents and asylum seekers. Instances of societal violence and harassment directed at foreign residents continued as well, some resulting in deaths. After a 13.7 percent decline in rightwing-motivated crime in 1999, preliminary figures for the year suggest a significant increase in the number of such crimes. Moreover, the number of proven or suspected violent rightwing crimes (most of which resulted in bodily harm to the victim) during the year rose by more than 12 percent, from 746 to 840, continuing a trend found in 1999. The Government is taking serious steps to address the problem of violence against women and children. Women continue to face some wage discrimination in the private sector, as do members of minorities and foreigners. Trafficking in women and girls is a serious problem, with Germany being both a destination and a transit country. The Government has taken the lead in coordinating federal and state efforts to combat trafficking and aid its victims.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

In December 1999, suspected Red Army Faction member Andrea Klump was extradited from Austria to stand trial for her alleged role in various terrorist acts, including two murders, committed in the 1980's. Her trial began in November and continued at year's end. In 1999 Michael Steinau and Bernhard Falk, members of a leftwing terrorist organization, the Anti-Imperialist Cell (AIZ), were convicted on four charges of attempted murder and sentenced in connection with a series of bombing attacks in 1995. Steinau was sentenced to 9 years' imprisonment. Falk, who was sentenced to 13 years' imprisonment, appealed his sentence in May, and his case continued at year's end.

An investigation continued in the case of Aamir Ageeb, a Sudanese asylum seeker, who died in May 1999 during a deportation flight while in the custody of Federal Border Police. The Border Police apparently physically subdued the man during takeoff because he was resisting deportation violently, and they did not notice until Ageeb stopped struggling that he was not breathing. As a result of this incident, the Federal Interior Ministry has instituted new deportation procedures that prohibit methods that could hinder breathing.

The trial of four individuals accused of the 1986 bombing of the Berlin La Belle discotheque, which began in 1997, continued at year's end. The attack killed one Turkish and two U.S. citizens and injured 230 persons.

In January Johannes Weinrich, a German terrorist, was convicted of one count of murder and five counts of attempted murder in connection with a 1983 bomb attack on the French cultural center in what was then West Berlin. The trial of Hans-Joachim Klein began in October and continued at year's end. Klein was charged with three murders during the 1975 attack by left-wing terrorists on a convention of the Organization of Petroleum Exporting Countries (OPEC) in Vienna, Austria.

Violence by rightwing extremists against marginalized social groups, such as the homeless and foreigners, resulted in a number of deaths during the year. In June a Mozambican immigrant was beaten and kicked to death in Dessau by three right-

wing extremists who were caught, tried, and convicted; one was sentenced to life in prison and the two others were sentenced to 9 years' imprisonment each (see Section 5). Groups of rightwing extremists beat and kicked to death at least five homeless men during the year. In each case, police arrested the alleged perpetrators and they were charged with the crimes; several have been convicted and sentenced to prison terms.

On January 25, two rightwing extremists were sentenced in Lower-Saxony to 5 years' imprisonment in a youth detention center for their attack in August 1999 on a German man, who died the following day from his injuries. The 44-year-old victim had spoken critically about xenophobia to one of the perpetrators. The youths, who were drunk at the time, broke into the victim's apartment and kicked him and stabbed him with a broken glass.

The trial of 11 rightwing defendants accused of causing the 1999 death of an Algerian asylum seeker in Brandenburg ended in November with 8 defendants being convicted of negligent homicide and all 11 being found guilty of lesser crimes (see Section 5). Three of the convicted youths were sentenced to 2 to 3 years' detention in a youth facility, and the others received suspended sentences or warnings. The family of the victim filed an appeal demanding stiffer sentences, and 10 of the 11 youths appealed their convictions. The case continued at year's end.

As of October, seven cases remained before the courts concerning individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In July former East German defense minister Heinz Kessler was sentenced to 7-and-a-half years' imprisonment, while three other former Socialist Unity Party (SED) leaders were acquitted. In January the Federal Constitutional Court upheld the conviction of former East German Politburo member Egon Krenz, who had been sentenced to 6-and-a-half years' imprisonment for his role in East Germany's shoot-to-kill policy at the East-West border. Krenz began serving his sentence on January 13. His appeal to the European Court for Human Rights was heard in November, and a decision is expected in the spring of 2001. On September 6, Berlin's governing mayor pardoned Krenz's two codefendants, Guenter Schabowski and Guenther Kleiber, who each had received 3-year sentences; the men were released on October 2 in a gesture of reconciliation on the 10th anniversary of German reunification the following day.

The Government continued to cooperate in bringing war criminals from the former Yugoslavia to justice. In October, for example, the Government signed an agreement with the International War Crimes Tribunal for Yugoslavia to have a convicted Bosnian war criminal serve his 20-year sentence in a German prison.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the authorities generally respect these prohibitions. However, Amnesty International published a report in July 1999 that found that police treatment of foreigners in custody showed "a clear pattern of abuse." In September an Iranian family facing deportation claimed that police held the father's arms behind his back, pushed his head down and then held him on the ground in a manner that hindered his breathing. Two older children who tried to help were allegedly slapped. Border Police claim that the father and an older child were violently resisting deportation. Human rights and asylum-assistance organizations have called for an investigation.

The Government investigates abuses and prosecutes police who mistreat persons in custody. For example in July, authorities in Dessau initiated an investigation against three officers accused of mistreating a man from Burkina Faso who had been arrested for drug dealing. The accusations were found to be without merit. In July the Federal Court of Justice upheld the convictions of three police officers from Bernau, Brandenburg, for physically mistreating Vietnamese detainees in 11 cases in 1993 and 1994. Moreover, the Court ordered a lower court to consider stiffer penalties for the two officers originally sentenced to probation.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Basic Law prohibits arbitrary arrest and detention, and the Government observes this prohibition. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. Any person detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release.

Police often detain known or suspected rightwing and leftwing radicals for brief periods when they believe such individuals intend to participate in illegal or unau-



thorized demonstrations. For example, in August police in Thuringia took into temporary custody 53 persons who were suspected of heading for illegal rallies to mark the 13th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension.

If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Government does not use forced exile, which is prohibited by the Basic Law. *e. Denial of Fair Public Trial.*—The Basic Law provides for an independent judiciary, and the Government respects this provision in practice.

The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is Germany's supreme court. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are sometimes delayed due to ever increasing caseloads. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to 1 year, and if a sentence of 6 months or more is expected, a defense counsel must be present.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, of Correspondence.*—The Basic Law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

In October a Lower Saxony court ruled that a school district could not refuse to hire an Islamic teacher because she wished to wear a traditional headscarf in the classroom. The school district said it would appeal the decision. In 1998 a Muslim teacher sued the Stuttgart school district over its decision not to hire her because she wore a headscarf. Although a local administrative court dismissed her suit, she appealed the ruling and the case continued at year's end (see Section 2.c.).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Basic Law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech—with some limits—and of the press, including academic freedom. Freedom of speech does not extend to the possession or distribution of the propaganda of proscribed organizations or to statements endorsing Nazism or denying the Holocaust, all of which are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The 1997 Teleservices Law bans access to prohibited material (for example, child pornography and Nazi propaganda), and the Government has explored ways to expand cooperation in countering Internet crime. In June the Justice Ministry co-sponsored a major symposium on combating the spread of hate materials on the Internet, and it proposed voluntary measures for Internet service providers and companies doing online business, as well as improved international law enforcement cooperation. The Federal Criminal Office in February hosted a similar event, bringing service providers and domestic law enforcement officials together to discuss ways to enhance cooperation. German officials estimate that there are approxi-

mately 800 Internet sites with what they consider objectionable or dangerous right-wing extremist content.

In December the Federal Court of Justice ruled that German laws against Nazi incitement could apply to individuals who post Nazi material on Internet sites available to users in Germany, even if the site resides on a foreign server. The Court overturned a lower court decision that such material was not subject to criminal prosecution in the case of German-born Australian Holocaust revisionist Frederick Toben, who had, among other things, posted material denying the Holocaust on his Internet site. Previously in November 1999, Toben, had been sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust and that Nazis killed millions of Jews. At that time, the lower court had ruled that Toben could not be prosecuted for Holocaust denial material he had posted on a website in Australia. He was released from a Mannheim prison after posting a bond. Toben is the director of the Adelaide Institute, which questions the reality and scope of the Holocaust.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this right in practice. Permits must be obtained for open-air public rallies and marches. State and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

The law provides for freedom of association, and the Government respects this right in practice. The Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties; under this provision, the Court in the 1950's banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations, and legal recourse against such decisions is available. Such banned organizations include a number of groups that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal in nature. In addition several hundred organizations were under observation by the Federal and state Offices for the Protection of the Constitution (OPC). The OPC's are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the organizations' continued activities. In observing an organization, OPC officials seek to collect information, mostly from written materials and first-hand accounts, to assess whether a threat exists. More intrusive methods would be subject to legal checks and require evidence of involvement in treason or terrorist activities.

In August the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in the summer months. Based on the commission's recommendations, in November the Government agreed to petition the Federal Constitutional Court to ban the NPD. Although the Bundestag and Bundesrat formally supported this decision, the Government had not yet submitted the petition to the Court at year's end. On September 14, the Federal Interior Minister banned the rightwing extremist skinhead organization "Blood and Honor" and its youth organization, "White Youth," citing the groups' rejection of the constitutional order as a justification. While the ban (the first issued by the Federal Government since 1995) allows the Government to seize the groups' assets, members are free to reconstitute themselves under a new name.

*c. Freedom of Religion.*—The Basic Law provides for religious freedom, and the Government generally respects this right in practice. Most religious organizations enjoy tax-exempt status, a designation that requires them to operate on a nonprofit basis and contribute socially, spiritually, or materially to society.

Church and state are separate, although historically a special relationship exists between the State and those religious communities that have the status of a "corporation under public law." Religions enjoying this status may request that the Government collect church membership taxes on their behalf. However, not all religious groups take advantage of this privilege, since the Government charges an administrative fee for doing so. State governments subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons. Many religions and denominations have been granted public law corporation status; among them are the Lutheran and Catholic Churches, Judaism, the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites,

Baptists, Methodists, Christian Scientists, and the Salvation Army. Applications from several Islamic groups are pending in various states.

In December the Federal Constitutional Court overturned a lower court's ruling that denied Jehovah's Witnesses public law corporation status and remanded the case back to the lower court. The case stemmed from an April 1993 decision of the Berlin state government that denied the church public law corporation status, a decision upheld in 1997 by the Federal Administrative Court. The Administrative Court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because, for example, it forbade its members from voting in public elections. In overturning this decision, the Constitutional Court ruled that forbidding church members to vote or to perform military service were not sufficient justifications for withholding from the church public law corporation status. The Court added that the judiciary should not evaluate the compatibility of church doctrine with the democratic order, but only judge such cases on the actual behavior of the church and its members. Although the Court found that Jehovah's Witnesses in Germany follow the rule of law and demonstrate no intent to overthrow the government or political system, it did not grant them public law corporation status. It instead returned the case to the lower court with instructions to examine whether the Jehovah's Witnesses use coercive methods to oppose their members leaving the congregation and whether their child-rearing practices conform to German human rights standards. The case continued at year's end.

With an estimated 3 million adherents, Islam is the third most commonly practiced religion in Germany (after Catholicism and Lutheranism). All branches of Islam are represented in the country, with the vast majority of Muslims in Germany coming from a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where German law conflicts with Islamic practices or raises religious freedom issues. In November the Government published a comprehensive, 93-page report on "Islam in Germany" which examined these issues in response to an inquiry from the Bundestag.

In October the Lüneburg administrative court ruled that the state education ministry must employ a teacher who was barred in 1999 from wearing a headscarf in the classroom. The Lower Saxony education ministry had refused to employ the Muslim woman after she completed her training because state officials took the position that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. (Members of Christian religious orders are similarly not allowed to wear their habits while teaching at public schools, although habits are permitted in denominational schools.) The state has vowed to appeal the ruling and has said it will not hire the woman until it has exhausted its legal options. In March the Stuttgart administrative court dismissed a similar suit filed by a Muslim woman who was denied a teaching position in Baden-Wuerttemberg. The state minister of education supported the school district's decision not to hire the woman because the Ministry argued the headscarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The woman appealed the ruling, and the case was pending at year's end. In the meantime she accepted a teaching position at a public school for Muslims in Berlin, where she is allowed to wear a headscarf. Muslim students generally are free to wear headscarves to school (see Section 1.f.).

The right of Muslims to ritually slaughter animals was the subject of two court cases during the year. In November the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in Germany's animal protection laws and could not, therefore, receive a waiver to laws requiring an animal to be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually-slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court and a decision was pending at year's end.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and will offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall generally is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools is becoming increasingly topical in several states. In February the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the many Islamic organizations not represented by the Islamic Federation. The Berlin state government has expressed its concerns about the Islamic Fed-

eration's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal OPC. In November Bavaria announced that it would offer German-language Islamic education in its public schools starting in 2003.

Several states have published pamphlets, which are provided to the public free of charge, detailing the beliefs and practices of non-mainstream religions. Many of the pamphlets are factual, but the inclusion of some religious groups in publications covering known dangerous cults or movements may harm their reputations. For example publications from the Hamburg state government and state-run youth welfare offices in Lower Saxony, Thuringia, and Schleswig-Holstein, describe theologically conservative or minority Christian groups and imply that they can be harmful to their adherents. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to existing political and economic structures and to the mental and financial well-being of individuals. For example, the Hamburg OPC publishes "The Intelligence Service of the Scientology Organization," which claims that Scientology tries to infiltrate governments, offices, and companies, and that the church spies on its opponents, defames them, and "destroys" them.

The Church of Scientology, which operates 18 churches and missions, remained under scrutiny by both federal and state officials who contend that its ideology is opposed to democracy and that it is not a religion but an economic enterprise. Since 1997 Scientology has been under observation by the Federal and state OPC's, except in Schleswig-Holstein where the state constitution does not permit such observation (see Section 2.b.). Observation is not an investigation into criminal wrongdoing, and the Government has filed no criminal charges against Scientology since observation began. However, in April the Federal OPC concluded in its 250-page annual report for 1999 that the reasons for initiating observation of Scientology in 1997 still were valid. The six pages in the report covering Scientology described those aspects of the organization's beliefs that were deemed undemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology-published pamphlets and books. In 1998 the Church of Scientology filed a suit in a Berlin state court to enjoin the Berlin interior ministry, under whose authority the OPC falls, from further observation of the organization and its members. The case was pending at year's end.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. The Federal Government uses its "Defense Clause" (commonly referred to as a "sect filter") for procurement involving some training and consulting contracts, specifically those that may provide opportunities for mental manipulation or behavior modification. The sect filter requires a bidder to declare that the firm rejects and will not employ the "technology of L. Ron Hubbard" within the framework of the contract, and that the firm does not require or permit employees to attend courses and seminars conducted via this "technology" as part of its business function. Some state and local agencies, businesses (including several major international corporations), and other organizations require job applicants and bidders on contracts to sign similar "sect filters." The Federal Property Office has in several cases barred the sale of real estate to Scientologists, nothing that the Finance Ministry has urged that such sales be avoided, if possible.

At the state and local level, some governments also screen companies bidding on contracts for training and the handling and processing of personal data, and in April the Hamburg administrative court dismissed the suit of two Scientology members against the city-state for its use of "sect filters." In the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship that they may have with Scientology; the form specifically states that employment will not be considered if the form is not completed. Moreover Bavaria has identified some state employees as Scientologists, sometimes years after they were first employed, and has required them to complete the questionnaire. Some of these employees have refused and two of them have filed suit in Bavarian courts. In October the Munich labor court ruled that the state cannot require employees to complete the questionnaire in the absence of evidence that the employee is involved in anticonstitutional behavior. The court further stated that even if the Scientology Church were to be found to be anticonstitutional, an individual's mere membership in the organization could not justify the Government delving into that person's private life in the absence of illegal behavior on his or her part.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology continued its periodic meetings. The group published no report or policy compendium during the year and remained purely consultative in purpose.

In December the Federal Social Court in Kassel upheld a lower court's ruling that membership in the Church of Scientology was not, in and of itself, reason to deny

a person a professional license. In 1999 the State Social Court of Appeals in Rhineland-Palatinate ruled that the Federal Labor Office had in 1994 incorrectly refused to renew a Scientologist's license to run her au pair agency based solely on her Scientology membership. The case was remanded to the state court to clarify whether the specific individual's membership in the Church of Scientology has any bearing on her reliability as an au pair agent. The case continued at year's end.

Some private sector entities have followed the governments' example in using "sect filters," often using them for a much broader range of contracts. On at least one occasion a foreign firm wishing to do business in the country was asked to declare any affiliation that it or its employees might have with Scientology. Private firms that screen for Scientology affiliations frequently cite OPC observation of Scientology as a justification for discrimination and have on occasion quoted advice they say they have received from state or local government officials as to the legality of the "sect filter."

Late in 1999, allegations that Microsoft's Windows 2000 contained a "Trojan Horse" or "back door" that would permit the Church of Scientology to obtain information from an unsuspecting user's system surfaced in the technology trade press. These allegations arose after Hamburg's sect commissioner expressed public concern about the software because a firm whose chief executive officer is a Scientologist developed a disk defragmenting component for Windows 2000. Critics claimed—with no proof—that the defragmenter would secretly send personal data from individual computers to Scientology offices. Microsoft yielded to German pressure and allowed the German Federal Office for Security in Information Technology (BSI) to investigate the software. BSI conducted various tests but failed to find any evidence of or anything that in any way validated the concerns regarding the existence of a "Trojan Horse" or "back door." Nevertheless in December Microsoft published instructions on how to remove the disk defragmenter from Windows 2000 as an alternative to further testing by BSI.

In February the German branch of Amway Limited dismissed 10 distributors because of their admitted association with Scientology, which the company claimed could damage the company's image. Parent company representatives claimed that the distributors refused to comply with the firm's prohibition against proselytizing in connection with their Amway activities, a policy that applies to all religious beliefs, and that other known Scientologists continue to work for the company. In at least one case, a major bank unilaterally closed the accounts of a law firm that had represented the Scientology Church.

Scientologists have taken their grievances to the courts, with mixed results. Some individuals who had been fired because they were Scientologists sued their employers for "unfair dismissal." Several have reached out-of-court settlements with employers. For example in March, a woman who had been summarily dismissed from her position in the bond department of a bank because of her association with Scientology received \$27,300 (DM 60,000) under a settlement with her former employer.

Major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known enforcement of this ban. A Bonn court upheld the practice in 1997, ruling that a political party had the right to exclude from its organization those persons who do not identify themselves with the party's basic goals.

Public exhibitions by Scientologists in a number of cities to explain themselves to citizens encountered difficulties. In April the Visitor's Bureau of the Federal Press and Information Office intervened with a Berlin hotel, forcing the hotel to cancel Scientology's reservations for rooms for an exhibit titled "What is Scientology?" The hotel claimed that the Visitors' Bureau threatened to cancel several hundred thousand dollars worth of reservations if Scientology were allowed to exhibit in the hotel. Scientology was able to rent space elsewhere but incurred substantial extra expenses related to the last minute move of the exhibit. In Frankfurt a late February Scientology exhibit in the cafe of a well-known, city-owned museum sparked significant criticism, with city officials speaking out openly against Scientology and the exhibit. However, Scientology's recently established information office in Frankfurt has generated little or no public controversy. A Scientology exhibit at the Leipzig book fair in March provoked complaints about what some visitors considered aggressive marketing tactics, and fair authorities were reviewing whether to allow the exhibitors to return next year. In April Scientology was able to rent the public congress center in Hanover for a 2-day exhibition, after a hotel cancelled its reservation when it learned that Scientology had made the booking.

There were no new attempts to deregister Scientology organizations previously registered as non-profit organizations, but the judgments in two such earlier cases

were appealed during the year. The government of Baden-Wuerttemberg appealed a decision by the Stuttgart Administrative Court, which ruled that a Scientology organization could not be deregistered as a nonprofit organization because its activities were used to accomplish its ideological purposes. The case was pending at year's end. The Celebrity Center Munich, a Scientology-affiliated organization that was stripped of its status as a nonprofit organization in 1995, has appealed a 1999 upper court ruling upholding that decision. The case was pending at year's end.

The Government continued its policy of not engaging in dialogue with the Church of Scientology this year.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal Government and state governments cooperate with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters are primarily a state-level responsibility.

For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. On January 1, a new law came into effect that grants citizenship to children born to legal foreign residents. Individuals can retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law also decreased the period of residence in the country required for legal foreign residents to earn the right to naturalization from 15 to 8 years.

The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement. Criteria for granting asylum were tightened by several provisions enacted in 1993. Individuals attempting to enter via a "safe third country" (any country in the European Union or adhering to the Geneva Convention on Refugees) are ineligible for asylum and can be turned back at the border or returned to that "safe third country" if they manage to enter Germany. Persons coming directly from any country which officials designate as a "safe country of origin" normally cannot claim asylum in Germany, and individuals whose applications are rejected on these grounds have up to 2 weeks to appeal the decision, a time period critics consider too brief. Individuals who arrive at an international airport and who are deemed to have come from a "safe country of origin" can be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees must make a decision on an asylum application within 48 hours or allow the person to enter the country. The person may appeal a negative decision to an administrative court within 3 days, and the court must rule within 14 days or allow the individual to enter the country. Although stays in the airport facility thus are supposed to be limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be immediately deported have been held at the airport for months, a practice criticized by refugee assistance groups and human rights advocates (see Section 1.c.). However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

Applicants who enter Germany and are denied asylum at their original administrative hearing may challenge the decision in court, and 80 percent of applicants denied asylum do so. Approximately 3 to 4 percent of such rejections are overturned. The rejected applicant is allowed to remain in country during the course of the appeal, which usually takes at least a year and sometimes significantly longer. In October the Government announced changes to the regulations governing asylum seekers and employment. Starting January 1, 2001, applicants for asylum and civil war refugees will be allowed to work after a 1-year waiting period. The Government estimates that approximately 75,000 foreigners will be entitled to work under the new rules. Some foreigners whose asylum applications were rejected, but who would be endangered if they were sent back to their home country, such as those fleeing civil wars, receive temporary residence permits—the so-called small asylum. However, they are expected to leave when conditions in their home country allow for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom Germany admitted during the conflict in the former Yugoslavia fall into this category. Once their residence permits expire, these people can be deported. Individuals who fail to cooperate during the deportation process or who are deemed liable to flee to avoid deportation can be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Refugee assistance organizations have expressed concern about how certain provisions related to the right of asylum have been interpreted by the courts, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asy-

lum. In August the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahidin group (defined as a "quasi-governmental entity"). The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution, and a decision was pending at year's end. In response to the Constitutional Court ruling, the federal Office for the Recognition of Foreign Refugees has postponed making decisions in all current asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

During the year, 78,564 persons applied for asylum, an almost 17.4 percent decrease over the same period in 1999 and the lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. The approval rate for first-time applicants was around 3 percent, and an additional 7.9 percent of rejected applicants received temporary protection from deportation.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGO's), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. According to unofficial estimates, approximately 25,000 Bosnian refugees remained in country at year's end. Among those were up to 15,000 who were considered traumatized or were with family members who were deemed too traumatized to return to Bosnia. In November the Federal and state interior ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) will be allowed to stay in the country.

The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$765 and \$2,250 (DM 1,350 to DM 4,500) to help cover travel and resettlement costs; many states provided additional resettlement funds. The Government repatriated approximately 48,000 Kosovars under such voluntary programs through December. However, failure to accept voluntary repatriation subjects these refugees to the threat of deportation, and forces them to leave their personal property behind and excludes them from reentering the country for a 5-year period.

The right of most Kosovar refugees to stay in the country expired in the spring, and most states began regular deportations in March. By the end of the year, 6,800 Kosovar refugees had been deported, among them approximately 1,300 ex-offenders. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of Kosovar returns.

An investigation is ongoing into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police (see Section 1.a).

In June the Federal Government appointed a commission of experts to examine every aspect of immigration and to propose administrative or legislative changes if deemed necessary. The commission held its first meeting in September and is expected to present its recommendations in mid-2001.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. Members of Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments.

Women are somewhat underrepresented in government and politics, although the law entitles them to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Bundestag are female. Women occupy 6 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. Three of the parties represented in the Bundestag are headed by women: the Christian Democratic Union, the Greens/Alliance 90 (co-chaired by a woman and a man), and the Party of Democratic Socialism. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; and 57.5 percent of the Party's

federal parliamentary caucus members are women. The Social Democrats had a 40-percent quota for women on all party committees and governing bodies and met that goal. The Christian Democrats required that 30 percent of the first ballot candidates for party positions be women, a goal which it met.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In December the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights both domestically and abroad and to promote education and scientific research in the field.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

*Women.*—While violence against women is a problem and almost certainly is underreported, it is prohibited by laws that are enforced effectively. The Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape and spousal rape, showed a 4.4 percent decrease from 7,914 cases in 1998 to 7,565 cases in 1999.

The Government conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout the country. For example there are 435 “women’s houses”, including 115 in the eastern states (excluding Berlin), where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are illegal; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth has commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters.

Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are represented disproportionately in these lower-wage scale occupations.

In January the European Court of Justice ruled that Germany’s prohibition on women in combat roles in the armed forces violated European Union directives against discrimination based on gender. The Government accepted the ruling and in December completed the process of amending the Constitution to open all military jobs to women on a voluntary basis. The first group of 244 women are scheduled to report for duty on January 2, 2001.

The Government continued to implement its multiyear action plan, “Women and Occupation,” adopted in 1999. The program promotes the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005.

*Children.*—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and medical care. Public education is provided and is mandatory through the age of 16.

The Government recognizes that violence against children is a problem requiring its attention. Police figures recorded 15,279 cases of sexual abuse of children in 1999, a 7.9 percent decrease from 16,596 in 1998. Officials believe that the number of unreported cases may be much higher. The 1990 Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 and in 1997 to further provide for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year’s imprisonment; the sentence for dis-



tribution is 5 years. The 1993 amendment makes the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

Trafficking in girls is a serious problem (See Section 6.f.).

*People with Disabilities.*—There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment."

*Religious Minorities.*—The number of crimes classified by the authorities as anti-Semitic fell in 1999 to 871, a 17.5 percent decrease from 991 in 1998. In the first 6 months of the year, anti-Semitic crimes rose 3.3 percent over the same period in 1999, from 287 to 297. These incidents included 7 cases of bodily injury, one case of arson, 14 cases of desecration of graves, and 254 "other" crimes that include the distribution of anti-Semitic materials or the display of symbols of banned organizations. For example, in March the police arrested eight youths for allegedly painting anti-Semitic slogans, swastikas, and other symbols on tombstones in a Jewish cemetery in Guben, Brandenburg. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

On April 20, a firebomb was thrown at a synagogue in Erfurt, Thuringia. Neighbors discovered and extinguished the fire before the building was damaged seriously. Two teenagers were arrested and convicted. The first was sentenced to 3 years' imprisonment and the second to 2 years and 2 months. On October 2, a Dusseldorf synagogue sustained minor damage after being firebombed. In December police arrested two men of Arab origin in connection with the crime.

In June four rightwing youths threw a brick through the window of an Islamic prayer house in Gera, Thuringia. No one was injured during the attack, and the youths were arrested and charged shortly thereafter.

In the July U.S.-German Agreement on the establishment of the German foundation, "Remembrance, Responsibility and Future," Germany agreed to ensure that all Holocaust era insurance claims made against German insurance companies that come within the scope of the International Commission on Holocaust Era Insurance Claims (ICHEIC) handling procedures are processed by the companies and the German Insurance Association on the basis of these procedures.

Scientists continued to report instances of societal discrimination (see Section 2.c.). There was no progress during the year in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Central Council of Jews in Germany until his death in 1992.

*National/Racial/Ethnic Minorities.*—Preliminary Federal Criminal Office statistics for the year show a 39 percent increase in the overall number of proven or suspected rightwing crimes compared with 1999, from 10,037 to approximately 14,000, reversing the past several years' downward trend. Moreover the number of violent rightwing crimes (including murder, attempted murder, and attacks that result in bodily injury, arson and bombings) rose more than 12 percent, from 746 in 1999 to 840 during the year, including the beating deaths of at least five homeless men (See Section 1.a.). In 1999 the number of violent rightwing crimes rose 5.4 percent.

The Federal Office for the Protection of the Constitution (OPC) reported that 51,400 persons were active in rightwing circles in 1999, a decrease of 4 percent from 53,600 in 1998. They included 37,000 members of rightwing political parties, 2,200 neo-Nazis, 4,200 members of other rightwing groups, and some 9,000 violence-prone individuals (an almost 10 percent increase from 8,200 in 1998). Perpetrators of rightwing extremist violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Most of the violent individuals (85 percent of whom are "skinheads") could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to organized extremist groups. As in previous years, the percentage of crimes with proven or suspected rightwing background was disproportionately high in the east; the Federal OPC reported that more than half of rightwing "skinheads" live

in the east, an area with only 21 percent of the population. In addition to these rightwing extremists, the Federal OPC estimates that there are some 7,000 violence-prone leftwing extremists, whose primary targets are their rightwing counterparts.

On June 11, Alberto Adriano, a Mozambican immigrant, was beaten to death by three rightwing extremists as he walked home through a park at night in Dessau, Saxony-Anhalt. Three perpetrators were convicted; a 24-year-old defendant was sentenced to life in prison, while two 16-year-old accomplices were sentenced to 9 years in a youth facility. The 24-year-old and one of the juveniles have appealed their sentences, and the case continued at year's end.

On July 16, three Kosovar Albanian children were injured when a firebomb was thrown through the window of the shelter for asylum seekers where they were staying in Ludwigshafen, Rhineland-Palatinate. Police arrested four skinheads 4 days later, and they were charged with the crime.

The Federal Government and state governments remain firmly committed to combating and preventing rightwing violence. The Chancellor and leaders of all political parties publicly denounced rightwing violence after a surge of such activity in the summer months. In August and in November, Federal and state interior ministers agreed on a slate of measures to combat extremist violence, which includes increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, stepped up patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet. The Federal Border Police established a hotline for concerned citizens to report rightwing crimes. The Government also announced that it would use \$34 million (DM 75,000,000) from the European Union Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments initiated programs to crack down on rightwing extremist activities and to engage young people considered most "at risk" for rightwing behavior.

On August 2, a bomb at a Dusseldorf train station injured 10 recent Russian immigrants, among them 6 Jews. Because the group followed the same route each day, police have not ruled out that they were the specific targets of a xenophobic or anti-Semitic attack. No arrests have been made in the case.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, many were attributed to intra-Turkish political or private disputes. None was directly attributable to the Kurdistan Workers' Party (PKK), a banned organization. In August a 43-year-old Kurd was arrested and indicted for his alleged actions as a PKK functionary, including his order for Kurdish demonstrators to occupy foreign embassies and consulates in Germany after the 1999 arrest and return to Turkey of PKK leader Abdullah Ocalan.

The trial of 11 rightwing extremists charged with the February 1999 death of Algerian asylum seeker Farid Guendoul in Brandenburg ended in November with the convictions of 8 defendants on charges of negligent homicide and of all 11 for lesser charges. The suspects were found guilty of having caused Guendoul's death when they failed to assist him after he threw himself through a glass door to escape the skinheads, who were chasing him and yelling, "Foreigners out!" Guendoul bled to death. Of the 11 persons convicted, 10 have appealed their convictions, while Guendoul's family appealed what they consider the too-lenient sentences: 3 youths were sentenced to 2 to 3 years' term in a youth facility while the others received suspended sentences or warnings. Since its dedication, a memorial to Guendoul has been desecrated a number of times by suspected rightwing extremists.

Since 1997 the Government has taken steps to protect and foster the languages and cultures of national and ethnic minorities that traditionally have lived in the country (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal and state interior ministries have resisted including Romani among the languages to be protected under relevant European statutes. Critics contend that the Sinti/Romani minority is the only official national minority that does not have unique legal protection, political privilege, or reserved representation in certain public institutions.

There were no reports of violent anti-Roma or Sinti incidents, similar to the 1998 desecration of a Magdeburg memorial to Roma and Sinti murdered during the Nazi era.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, although this is sometimes due in part to inadequate language skills or nontransferable professional qualifications of the job seekers. The Federal

Government and all states have established permanent commissions to assist foreigners in their dealings with government and society.

On January 1, a new citizenship law came into effect that allows children born to legal foreign residents to become citizens (see Section 2.d.).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized by the Basic Law and freely exercised. About 29 percent of the total eligible labor force belongs to unions. The German Trade Union Federation (DGB) represents about 82 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continues to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

Compared with previous years, strike activity declined further in 1999. According to preliminary data for 1999, only 2,000 workers participated in strikes, and only 13,000 work days were lost. There were no notable strikes during the year.

The German Trade Union Federation (DGB) participates in various international and European trade union organizations.

*b. The Right to Organize and Bargain Collectively.*—The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is used infrequently. Basic wages and working conditions are negotiated at the industry level. However, some firms in the eastern part of the country have refused to join employer associations or have withdrawn from them and then bargained independently with workers. Likewise, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system. However, they have not refused to bargain as individual enterprises. The law mandates a system of "works councils" and worker membership on supervisory boards, and thus workers participate in the management of the enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Basic Law prohibits forced or compulsory labor, including forced or bonded child labor, and there were no reports that it occurred, apart from trafficking in women and forced prostitution (see Section 6.f.).

In July agreement was reached among seven nations, German companies, and victims' representatives on the establishment of a German foundation which will distribute funds for payments to private and public sector Nazi era forced/slave laborers and others who suffered at the hands of German companies during the Nazi era. Germany and German companies will each contribute \$2.3 billion (DM 5 billion) to the foundation, which is established under German law. The foundation concluded agreements with partner organizations that are to receive foundation funds in order to process and pay claims according to agreed procedures and be subject to audit. Payments are expected to commence in 2001.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Federal law generally prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

*e. Acceptable Conditions of Work.*—There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, the collective bargaining agreements set minimum pay rates and are enforceable by law. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers

is 36 hours in the western part of the country and about 39 hours in the eastern states.

In September the Federal Constitutional Court refused to review a case filed by a civil servant in east Berlin, who had argued unsuccessfully that the prevailing system of different rates of pay for public service workers in the east and west were unconstitutional. The Court ruled that lower wages in the east were justifiable due to differences in the economic situation in both parts of the country and that the pay gap had narrowed steadily since 1992.

Federal regulations limit the workweek to a maximum of 48 hours. Provisions for overtime, holiday, and weekend pay vary depending upon the applicable collective bargaining agreement.

Foreign workers are protected by law and generally receive treatment equal to that of citizens. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, foreign teachers in some schools are paid less than their German counterparts. In addition seasonal workers from Eastern Europe who come to Germany on temporary work permits often receive wages below normal German standards. Furthermore workers from other European Union countries sometimes are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety.

*f. Trafficking in Persons.*—Trafficking in women and forced prostitution are forbidden by law; however, trafficking in women and girls is a serious problem. The laws against trafficking in women were modified in 1992 and 1998 to deal more effectively with problems stemming from the opening of the country's eastern borders; trafficking in persons is punishable by up to 10 years' imprisonment.

Germany is a destination and transit country for trafficked women. Estimates vary considerably on the number of women and girls trafficked to and through the country, ranging from 2,000 to 20,000 per year. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes. According to police statistics, less than 1 percent of trafficking victims are men or boys. Of the women trafficked to the country through fake employment offers, arranged marriages, fraud, and coercive measures, 80 percent come from Eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, and the Czech Republic. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America.

The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The Ministry has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than have them face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection at the state level. In three cases during recent years, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their mother's testimony. However, protection ends once the case is concluded. Trafficking victims who cannot afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money.

The Federal Government has embarked on a multiyear "Action Plan to Combat Violence Against Women," introduced in December 1999. This effort includes the creation of a number of combined federal and state working groups, with the participation of relevant NGO's, to address in as comprehensive a manner possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government plans to spend approximately \$373,000 (DM 822,000) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory

Process.” The Federal Government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities cofinanced institutions that help counsel and care for victims of trafficking. The Government publishes a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO’s and German Consulates abroad.

## GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in parliamentary elections held in April. Its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities maintain effective control of all security forces. The police and security services are subject to a broad variety of restraints. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a market economy with a large public sector that accounts for some 40 percent of gross domestic product (GDP). Residents enjoy a relatively advanced standard of living. Structural adjustment funds from the European Union (EU) account for approximately 4 percent of the country’s GDP.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security force personnel sometimes abused persons. Overcrowding and harsh living conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There are legal limits on the freedom of association of ethnic minorities. Overall, leaders of minority religions noted a general improvement in government tolerance, but some legal restrictions and administrative obstacles on freedom of religion persisted. The Government sometimes placed human rights monitors, including foreign diplomats, non-Orthodox religious groups, and minority groups under surveillance. Violence against women and trafficking in women for the purpose of forced prostitution are problems. Discrimination against ethnic minorities remained a problem, although it is decreasing. However, Roma continued to suffer widespread discrimination. Although it reaffirmed individuals’ right of self-identification, the Government continues formally to recognize as a minority only the Muslim minority specified in the 1923 Treaty of Lausanne. As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture, although problems in this area decreased during the year. Muslims note positive developments in education and in the living conditions in villages.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings by government officials.

In the 1998 case of a Romani man killed by police in Partheni, Thessaloniki, the policemen were acquitted in March on all charges. The court found that they fired in self-defense.

In the 1998 case of a foreign student killed by a policeman, the policeman received a sentence of 2 years’ imprisonment for involuntary manslaughter in November; he has appealed the judgment.

Isolated incidents of terrorism continued during the year. A British military attaché was shot and killed in June by the terrorist group November 17. The group has claimed responsibility for 22 killings during the past 25 years, but no one has ever been arrested and charged in these cases.

There was no resolution of the cases of seven doctors accused of manslaughter in 1998 in connection with the case of an alleged hostage-taker in an Athens hospital or of a policeman who in 1996 shot and killed a Romani man at a roadblock in Livadia.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture, and a 1984 law (that has never been

invoked) makes the use of torture an offense punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused persons, including Roma (see Section 5).

In August two foreigners accused police in Crete of mistreatment while under detention.

The 1998 case of three policemen who allegedly beat two Romani teenagers was still pending in September 2000 (see Section 5). The 1996 case of five police officers accused of beating an Iraklion man also remained pending.

In 1997 a man on Rhodes accused three policemen of beating him while in custody. The three accused officers were charged, but the charges were dropped later by the prosecutor in December 1999.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.).

Numerous anarchist and terrorist groups attacked a wide spectrum of targets, mostly commercial property, during the year. The firebombing of vehicles, drive-by shootings of buildings, and bombings at commercial establishments, mostly late at night, were widespread.

The Ministry of Public Order opened a Bureau of Internal Affairs in October 1999 to investigate cases of police misbehavior. The Bureau took several disciplinary measures, including dismissal and suspension, against officers involved in corruption. The corruption mostly involved trafficking, bribes for illegal construction, and drugs.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of July, the Ministry of Justice reported that the total prison population was 8,131 (of whom 2,775 were foreigners), while the total capacity of the prison system was 4,825.

Non-EU illegal aliens awaiting deportation at the Drapetsona police detention center in Piraeus staged another hunger strike in April to protest what was described by a human rights organization as a "lack of adequate exercise, lack of natural daylight, insufficient sanitary facilities, restriction on visits, inadequate food, severely limited access to medical treatment, and no access to social services." Poor conditions also were reported at the Amygdaleza detention center for illegal alien women.

The Ministry of Justice continued its program to improve prison conditions and expand capacity. Construction is underway on four new prisons. The Government has been inconsistent in permitting prison visits by nongovernmental organizations (NGO's). There were no reports of restricted prison access this year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution requires judicial warrants for all arrests, except during the actual commission of a crime, and the law prohibits arbitrary arrest orders; the authorities respected these provisions in practice. The police by law must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances require a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged offense may be tried immediately, under an "expedited procedure." Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short period of time may inhibit defendants' ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of misdemeanor cases; it does not apply in felony cases.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers assert that pretrial detention is exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years' imprisonment or less may, at the court's discretion, pay a fine instead of being imprisoned.

Throughout the year, the police conducted large-scale sweeps and temporarily detained large numbers of foreigners under often squalid conditions while determining their residence status (see Section 2.d.). Some of the foreigners are detained on an indefinite basis with no judicial review, which, according to the NGO Human Rights Watch, constitutes arbitrary detention.

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. In a significant step, the Government in 1998 repealed Article 19 of the Citizenship Code, which permitted it to revoke the citizenship of Greek citizens of non-Greek ethnic origin who traveled outside Greece. Between 1955 and

1998, according to then-Minister of Interior Papadopoulos, some 60,000 citizens lost their citizenship under the old law. The 1998 law had no provision for retroactive application. About 400 individuals who lost their citizenship in the past under Article 19 continued to reside in Greece. Following the repeal of Article 19, most of these individuals were issued identification documents characterizing them as stateless, but they were permitted to apply to reacquire Greek citizenship. Most of these 400 persons had not had their applications adjudicated by year's end (also see Section 2.d.).

Article 20 of the Citizenship Code, which permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state," remained in force. In the past, this article affected Greek citizens abroad who asserted a "Macedonian" ethnicity. There have been no reports of Article 20 being invoked by the Government since 1998 (also see Section 2.d.).

*e. Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary, and it is independent in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, the right of access to the prosecution's evidence, the right to cross-examine witnesses, and the right to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often result in poor interpretation. Foreign defendants who depend on these interpreters frequently complain that they do not understand the proceedings of their trials.

The legal system does not discriminate on the basis of sex, religion, or nationality; however, there were some exceptions: nonethnic Greek citizens are prohibited legally from settling in a large "supervised zone" near the frontier (although this prohibition is not enforced in practice); and a 1939 law (also not enforced in practice) prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these safeguards do not appear to be entirely effective. The security services continued to monitor some human rights groups, such as the Greek Helsinki Monitor (see Section 4), non-Orthodox religious groups, minority group representatives, and foreign diplomats who met with such individuals. Some human rights monitors reported suspicious openings and diversions of mail. The Government apparently took no steps to stop such practices or to prosecute those involved.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Legal restrictions on free speech nevertheless remain in force.

Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing the friendly relations of the Greek state with foreign states to danger of disturbance; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and inciting citizens to rivalry and division, leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past were allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$14 (5,000 drachmae) per day.

According to Human Rights Watch (HRW), a renowned violinist and a composer were given prison sentences in March for defamation based on statements made during newspaper interviews. In such criminal defamation cases in the past, the defendant typically has been released on bail pending appeal, and no jail time is ever served. In November 1999, according to HRW, two journalists for Eleftherotypia were indicted for defamation for alleging that the Lesvos police were associated with smugglers. Also, in December 1999 an Athens court convicted Dimitris Rizos, pub-

lisher of Adesmeftos Typos, of aggravated defamation of the publisher of another newspaper with the same name.

In a 1997 case, two journalists were convicted of publishing classified government documents; their convictions were still under appeal at the Supreme Court in September 2000.

On matters other than the question of ethnic minorities, there is a tradition of outspoken public discourse and a vigorous free press. Satirical and opposition newspapers routinely attack the highest state authorities. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. The Constitution allows for seizure (though not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures are very rare; none have occurred since 1998.

A Thessaloniki court of first instance ruled in September in favor of a former Member of Parliament (M.P.), Mimis Androulakis, whose novel "M to the Power of N" was banned from circulation in seven northern prefectures in May as a "blasphemous" book because of sexual connotations regarding the relationship between Christ and Mary Magdalene. The court ruled that the novel was a "work of art" and thus protected by the Constitution.

The Constitution provides that the state exercise "immediate control" over radio and television. Once the state monopoly on radio and television ended in 1989, numerous private stations began operations in an essentially unregulated market while the Government sought to draft and implement legislation on licensing and frequency allocations. The National Radio and Television Council (NRTC) has an advisory role in radio and television licensing, whereas the Ministry of Press and Mass Media has final authority.

A 1995 law established ownership and technical frequency limits on electronic media; the Government and media outlets disputed application procedures and frequency allocations. In December 1998, the Government passed legislation designed to legalize stations operating with pending applications; with more applicants than available frequency spectrum, not all stations will gain licenses. The Government occasionally closes stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions. In December 1999, Channel Station 2000, an Evangelical radio station, was closed. The station's owners stated that the closure was because of religious content (although other non-Orthodox stations continue to operate unhindered), whereas the Government asserted that the station's broadcasts sporadically interfered with military channels. In January 2000, the station legally resumed operation. State-run stations tend to emphasize the Government's views but also report objectively on other parties' programs and positions. Private radio and television stations operate independently of any government control over their reporting. Turkish-language television programs are available widely via satellite in Thrace.

The 1998 conviction of Abdulhalim Dede, the Muslim owner of Radio Isik, for illegal construction of a new radio antenna intended to extend the range of the station, was upheld on appeal in June. The court reduced the sentence from 8 to 2 months in jail but suspended enforcement pending Dede's appeal to the Supreme Court. The Supreme Court decided in May 2000 that Abdulhalim Dede did not receive a fair trial on a fifth charge of illegal construction of a new radio antenna intended to extend the range of the station. Dede paid a \$1,368 (500,000 drachmae) fine in lieu of 2 months jail for his initial conviction.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respects this right in practice. Police permits are issued routinely for public demonstrations, and there were no reports that the permit requirement was abused.

In the spring of 1999, a large number of demonstrations occurred in Athens and Thessaloniki to protest NATO actions in Kosovo, and demonstrations took place against the visit of President Clinton in November 1999. Pro-Serb activists in Thessaloniki continued to demonstrate against the U.S. periodically, most notably in the spring of 2000, when U.S. troops travelling to and from the Kosovo peace-keeping mission were transiting northern Greece. In demonstrations organized by the Orthodox Church, over 100,000 supporters gathered in Athens and Thessaloniki in the summer of 2000 to protest the Government's decision to remove notation of religion on the national ID card.

The Constitution provides for the right of association, which the Government respected; however, the courts continue to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).



Government authorities legally recognize the existence of the Muslim minority but contend that other ethnic/linguistic or religious groups have no legal basis for official recognition as "minorities." The Government has affirmed an individual, but not a collective, right of self-identification. However, in 1997 it signed (but had not yet ratified) the European Framework Convention for the Protection of National Minorities.

*c. Freedom of Religion.*—The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion; it also provides for the right of all citizens to practice the religion of their choice; however, while the Government respects this right, non-Orthodox groups sometimes face administrative obstacles or legal restrictions on religious practice. The Constitution prohibits proselytizing and stipulates that non-Orthodox rites of worship may not disturb public order or offend moral principles.

The Orthodox Church wields significant political and economic influence. The Ministry of Education and Religion supervises the Church, and the Government provides some financial support by, for example, paying the salaries of clergy, subsidizing their religious training, and financing the construction and maintenance of Orthodox Church buildings.

The Orthodox Church and the Jewish and Muslim religions are considered by law to be "legal persons of public law." Other religions are considered "legal persons of private law." In practice a primary distinction is that establishment of other religions' "houses of prayer" is regulated by the general provisions of the Civil Code regarding corporations. For example other religions cannot, as religious entities, own property; the property must belong to a specifically created legal entity rather than to the church itself. In practice this places an additional legal and administrative burden on non-Orthodox religious community organizations. Parliament passed a law in July 1999 that extended legal recognition to Catholic churches and related entities established prior to 1946.

Two laws from the late 1930's require recognized or "known" religious groups to obtain house of prayer permits from the Ministry of Education and Religion in order to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop, but Ministry officials state that they no longer obtain the opinion of the Orthodox bishop when considering house of prayer permit applications. According to ministry officials, once a "known" religion receives a house of prayer permit, applications for additional houses of prayer are approved routinely. Minority religious groups have requested that laws regulating house of prayer permits be abolished. Many provisions of these laws are not applied in practice, but local police still have the authority to bring minority churches to court, as demonstrated in the case of the 16 churches charged but acquitted on December 12 in Thessaloniki for operating without a house of prayer permit.

The only recent application for recognition as a known religion at the Ministry was submitted in February by the Scientologists of Greece. Although the deadline mandated by law for processing the applications is 3 months, it took the Ministry until October to decide that it would not recognize the Scientologist community as an "official" religion.

A 1997 tax bill imposed three new taxes on all churches and other nonprofit organizations. Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, since the Government subsidizes the Orthodox Church while other groups are self-supporting. The Government also pays the salaries of the two official Muslim religious leaders and provides them with official vehicles.

Approximately 94 to 97 percent of the country's 10.6 million citizens adhere at least nominally to the Greek Orthodox faith. With the exception of the Muslim community (some of whose rights, privileges, and related government obligations are covered by the 1923 Treaty of Lausanne), the Government does not keep statistics on the size of religious groups. Ethnic Greeks account for a sizeable percentage of most non-Orthodox religions. The balance of the population is composed of Muslims (officially estimated at 98,000 although some Muslims claim up to 110,000 country-wide); accurate figures for other religions are not available. Protestants, including evangelicals (approximately 30,000); Jehovah's Witnesses (50,000); Catholics (50,000); Jews (5,000); plus small congregations of the Church of Jesus Christ of Latter-Day Saints (Mormons), Scientologists, the Baha'i Faith, and other Christian denominations are scattered throughout the country.

Several religious denominations reported difficulties in dealing with the authorities on a variety of administrative matters. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions. The non-Greek Orthodox churches must make separate and lengthy applications to government authorities on such matters as gaining permission to move

places of worship to larger facilities. In contrast Greek Orthodox officials have an institutionalized link between the church hierarchy and the Ministry of Education and Religion to handle administrative matters.

The 1923 Treaty of Lausanne, which is still in force, gives Muslims in Western Thrace the right to maintain social and charitable organizations ("wakfs") and provides for muftis (Islamic judges and religious leaders with limited civic responsibilities) to render religious judicial services.

The Muslim population, concentrated in Western Thrace with small communities in Rhodes, Kos, and Athens, is composed mainly of ethnic Turks but also includes Pomaks and Roma. The approximately 10,000 member Muslim community in Athens (composed primarily of economic migrants from Thrace) has no mosque or state-appointed cleric to officiate at various religious functions, including funerals. Members of the Muslim community often transport their deceased back to Thrace for religious burials. In June the Parliament approved a bill allowing construction of the first Islamic cultural center and mosque in the Athens area. According to official sources, a total of 287 mosques operate freely in Western Thrace and others on the islands of Rhodes and Kos. Construction of a long-delayed mosque in Kimmeria, Thrace was completed in 1998, although its minaret remained unfinished. The issue is one of local sensitivities rather than religious motivation, and the religious operation of the mosque has not been affected.

Differences remain within the Muslim community and between segments of the community and the Government over the means of selection of muftis. Under a 1991 law, the Government appointed two muftis and one assistant mufti, all resident in Thrace. The appointments to 10-year terms were based on the recommendations of a committee of Muslim notables selected by the Government. The Government argued that it must appoint the muftis because, in addition to their religious duties, they perform judicial functions in civil and domestic matters under Muslim religious law, for which the State pays them.

Some Muslims accept the authority of the two officially appointed muftis; other Muslims, with support from Turkey, have "elected" two different muftis to serve their communities (although there is no established procedure or practice for election). The courts repeatedly have convicted (14 times in 5 years) one of the elected muftis for usurping the authority of the official mufti. All of the respective sentences remain suspended pending appeal. The other elected mufti, who was convicted in 1991 of usurping the authority of the official mufti, appealed to the European Court of Human Rights. In December 1999, the Court ruled that the conviction violated his freedom of religion and self-expression, but it did not rule on the question of his legal status as mufti.

Controversy between the Muslim community and the Government also continues over the management and self-government of the wakfs, regarding the appointment of officials as well as the degree and type of administrative control. A 1980 law placed the administration of the wakfs in the hands of the appointed muftis and their representatives. In response to objections from some Muslims that this arrangement weakened the financial autonomy of the wakfs and violated the terms of the Treaty of Lausanne, a 1996 presidential decree put the wakfs under the administration of a committee for 3 years as an interim measure pending the resolution of outstanding problems. The interim period was extended indefinitely in 1999.

Muslim activists complained that the Government regularly lodges tax liens against the wakfs although they are in theory tax-free religious foundations. Under a national land and property registry law that came into full effect in January 1999, the wakfs, as with all property holders, must register all of their property with the Government. The law permits the Government to seize any property that owners are not able to document; there are built-in reporting and appeals procedures. The wakfs were established in 1560; however, due to the destruction of files during the two world wars, the wakfs are unable to document ownership of much of their property. They have not registered the property, so they cannot pay assessed taxes. To date the Government has not sought to enforce either the assessments or the registration requirement.

Protestant groups constitute the second largest religious group after the Greek Orthodox Church. Some groups, such as the evangelicals and Jehovah's Witnesses, consist almost entirely of ethnic Greeks. Other groups, such as the Latter-Day Saints and Anglicans, consist of an approximately equal number of ethnic Greeks and non-Greeks. Non-Greek citizen clergy reported difficulty renewing their visas during the year because the Government does not have a distinct visa category for religious workers. The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. The Catholic Church in 1999 unsuccessfully sought government recognition of its canon law (the official "constitution" of the Church).

As part of new obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-European Union citizens face a more restrictive visa and residence regime than they did in the past.

Although Jehovah's Witnesses are recognized as a "known" religion, they continued to face some harassment in the form of arbitrary identity checks (although reduced from 1998), difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably). In Thessaloniki in late 1999, the Government Tax Office refused to recognize Jehovah's Witnesses as a nonprofit association and imposed an inheritance tax for property willed to them. The individuals appealed the decision in 2000, and by year's end, the case still was pending. In 1999 a European Court of Human Rights case was resolved when the Government admitted surveillance of an adherent and promised that it would never conduct surveillance of Jehovah's Witnesses again.

In previous years, the armed forces consistently refused to exempt Jehovah's Witnesses' clergy from mandatory military service. In 1998 a law providing an alternative form of mandatory national service for conscientious objectors took effect. All clergy now are exempt from any service. The law provides that conscientious objectors may work in state hospitals or municipal services for 36 months. Conscientious objector groups characterized the legislation as a positive first step but criticized the 36-month alternative service term, which is double the regular 18-month period of military service.

Evangelical parishes are located throughout the country. Members of missionary faiths report difficulties due to constitutional and legal prohibitions on proselytizing. Church officials express concern that antiproselytizing laws remain on the books, although such laws no longer hinder their ministering to the poor and to children. In December 1999, the Government, applying legislation covering radio and television broadcasts, shut down an evangelical radio station over a technical issue on transmission frequency; however, the station resumed operation legally a few months later once the case was adjudicated.

The Church of Jesus Christ of Latter-Day Saints has about 80 missionaries in the country each year, for approximately 2-year terms. Church leaders report that their permanent members (nonmissionaries) do not encounter discriminatory treatment. However, the police occasionally detained Mormons and Jehovah's Witnesses (on average every 2 weeks) after receiving complaints that individuals were engaged in proselytizing. In most cases, these Mormons and Jehovah's Witnesses were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were verbally abused by police officers for their religious beliefs. In 1998 the European Court of Human Rights found the Government in violation of the European Convention on Human Rights for convicting Protestants of proselytizing in past cases. There were no proselytizing-related court cases during the year.

Scientologists, most of whom are located in the Athens area, practice their faith through a registered nonprofit philosophical organization. According to the president of the Greek Scientologists, the group chose to register as a philosophical organization because legal counsel advised that the Government would not recognize Scientology as a religion. In a step toward gaining recognition as a religion, Scientologists reapplied for a house of prayer permit in February. The application was rejected by the Ministry of Education and Religious Affairs on October 17 on the grounds that Scientology "is not a religion."

The Bishop of Athens heads the Roman Catholic Holy Synod. CARITAS, a charitable organization, and the Missionaries of Charity (Mother Teresa's order of nuns) also operate in the country. Legal recognition of the Catholic archdiocese of Athens, earlier denied, was granted in July 1999. The Jewish community numbers approximately 5,000 adherents; the majority live in the Athens and Thessaloniki regions. In October 1999, a rededication of a synagogue in Hania, Crete as a house of prayer and a cultural center was marred by public criticism of the event by the regional governor. The Minister of National Education and Religion, and other government and Greek Orthodox officials lent their support to the rededication.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students are exempt from this requirement. However, Jehovah's Witnesses have reported some past instances of discrimination related to attendance at religious education classes or other celebrations of religious or nationalistic character. Members of the Muslim community in Athens are lobbying for Islamic religious instruction for their children. The neighborhood schools offer no alternative supervision for the children during the period when religious issues are taught. The community has complained that this forces the parents to have their children attend Orthodox religious instruction by default.

The Government decided in the summer to remove the notation of religious affiliation on national identity cards. This sparked a national debate on the role of the Church in society. For example, the issue led Archbishop Christodoulos to organize religious protest rallies in Thessaloniki and Athens in June. Both demonstrations drew over 100,000 supporters. Archbishop Christodoulos vociferously criticized the Government and has started collecting signatures to petition the Government to allow religious affiliation as an option on national identity cards.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice. Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who “commit acts contrary to the interests of Greece for the benefit of a foreign state.”

The Organization for the Employment of Human Resources (OAED), a government agency, reported that by 2000, 386,000 illegal aliens, out of an estimated total alien population of 700,000, had applied for legal status or a "white card," under a program designed to regularize the residency status of illegal, (usually economic) immigrants. A few, mostly Albanian, white card holders were able to meet all the requirements of the law and receive a "green card," which serves as a residence permit and allows the immigrants to live and work in the country for a limited period of time. OAED issued 159,807 green cards by July. Some 80 percent of the green cards issued so far are of 1-year duration. A new application is required to extend the card for an additional year. Holders of a white card may reside and work legally on a short-term basis while meeting the other requirements necessary to obtain a green card. Press reports cite the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions as primary reasons for the limited ability of white cardholders to advance to the green card application process. The OAED estimated that out of a total of 386,000 white cardholders in 1998, 163,000 simply dropped out of the green card application process. Legislation provides for the green card program to remain in effect until the end of 2001. At year's end the Government proposed a bill to establish a new legalization process. Press reports estimated that it would take 3 years just to process the applications already submitted.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Greece is a multiparty democracy whose Constitution provides for full political rights for all citizens and for the peaceful change of governments and of the Constitution. The Government headed by Prime Minister Constantine Simitis of the Panhellenic Socialist Movement (PASOK) won in free and fair elections in September 1996 and again in April 2000. Parliament elects the President for a 5-year term. Voting is mandatory for those over age 18, but there are many conditions that allow citizens not to vote, and penalties are not applied in practice. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media.

Women are underrepresented in government and politics, although no legal restrictions hinder their participation, and their numbers are slowly increasing. During the year, women held 2 of 20 ministerial positions in the Government and 3 of 29 subministerial positions. Of the 300 members elected to Parliament in April, 31 were women.

While the Government generally respects citizens' political rights, there are occasionally charges that it limits the right of some individuals to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity, thus impinging on the political rights of such persons. However, in the 2000 parliamentary elections, one Muslim was elected in Thrace, from PASOK. A second Muslim became a Member of Parliament (M.P.) in September after winning a court challenge to the eligibility of the seated M.P. for violating a constitutional provision.

Romani representatives report that local authorities sometimes have deprived Roma of the right to vote by refusing to register them. However, Romani activists also report that some municipalities encourage Roma to register. Municipalities can refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

In 1996 the Government transferred responsibility for oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of the wakfs, and trade) from elected local governors to a government-appointed regional administrative official, the periferiarch of Eastern Macedonia and Thrace. Some minority members charged that the transfer reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer Greece's treaty obligations more effectively. In 1994 the Government set up a system to elect nomarchs to govern at the provincial level. These officials work in close cooperation with both elected mayors and local leaders (Christian and Muslim). Members of the Muslim community noted that this decentralization has been a positive factor in local and regional development.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government allows domestic human rights organizations to operate, but cooperation with them varies. The security services on occasion monitor contacts of human rights groups, including listening in on conversations held between those groups and human rights investigators and diplomats and questioning contacts (see

Section 1.f.). Monitors view this surveillance as a form of intimidation that deters others from meeting with investigators.

The government ombudsman's office, which opened in 1998, received 781 complaints in the first 8 months of the year directly related to human rights issues, of which 455 were processed. Human rights cases constituted 26 percent of all cases, an increase of 30 percent compared with the full year in 1999. The office has proved to be an effective means for resolving human rights and religious freedom concerns.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equality before the law irrespective of nationality, race, language, religious or political belief; however, government respect for these rights in practice was uneven.

*Women.*—Violence against women is a problem. The incidence of violence against women reported to the authorities is low; however, the General Secretariat for Equality of the Sexes (GSES), an independent government agency that operates the only shelter for battered women in Athens, believes that the actual incidence is "high." According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contact the police, and only a small fraction of the cases reaches trial. Conviction rates on rape charges are low for first time accused, but sentences are harsh for repeat offenders. Spousal rape is a crime.

The GSES asserts that police tend to discourage women from pursuing domestic violence charges and instead undertake reconciliation efforts. The GSES also claims that the courts are lenient when dealing with domestic violence cases. GSES, in cooperation with the Ministry of Public Order, continued during the year training courses begun in 1999 for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children often are staffed inadequately to handle cases properly. Two government shelters provide relevant services in Athens and Piraeus, including legal and psychological advice. Battered women also can go to state hospitals and regional health centers. In June the Secretariat started operating a 24-hour emergency telephone hot line for abused women to call for help. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, was established in 1999 to focus on women's issues.

Prostitution is legal. Prostitutes must register at the local police station and carry a medical card that is updated every 2 weeks. While the number of Greek women entering the profession has declined steadily over the years, according to the police and academic sources, trafficking in women for prostitution, mostly from the former Soviet republics, Albania, Bulgaria, and Romania, has increased sharply in recent years (see Sections 6.c. and 6.f.). It is estimated that fewer than 1,000 prostitutes are ethnic Greeks, and approximately 20,000 are of foreign origin—most in the country illegally.

Most prostitutes who are arrested are foreigners who are apprehended for non-compliance with legal requirements. While national data on such arrests is not available, police reports estimate that 4,197 women were arrested for prostitution from December 1998 through December 2000. A total of 1,693 were arrested during 2000, compared with 2,267 in 1999. Media reports implicated several police officers as participants in prostitution rings. The press alleged on a number of occasions that police accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channeled them into prostitution rings. The vice squad unit of the police was disbanded for a couple of weeks in 1998 in part as a result of these allegations.

Trade unions report that lawsuits for sexual harassment are very rare: according to the unions, only four women have filed such charges in the past 3 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reports that sexual harassment is a widespread phenomenon, but that women are discouraged from filing charges against perpetrators by family members and coworkers since they believe they might be socially stigmatized.

Women enjoy broad constitutional and legal protection, including equal pay for equal work. However, the National Statistical Service's most recent data, for the fourth quarter of 1998, show that women's salaries in manufacturing were 71 percent of those of men in comparable positions; in retail sales, women's salaries were 88 percent of those of men in comparable positions.

Although relatively few women occupy senior positions, in recent years women entered traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still face discrimination when they are

considered for promotions in both the public and private sectors. Women also are underrepresented in labor unions' leadership. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed are women, while women constitute only 38 percent of the work force. To ameliorate the situation, the GSES established two regional employment offices for women in Thessaloniki and Patras. It also continued to provide vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women for setting up an enterprise, information and counseling to unemployed women, and created childcare facilities to assist unemployed women to attend training courses and look for a job.

*Children.*—The Government is committed to providing adequate basic health and education services for children. Education is compulsory through the ninth grade, but the legislation does not provide for enforcement or penalties. University education is public and free.

Several government organizations have responsibility for children's issues. The National Welfare Organization, which has a nationwide network of offices, is active in the field of child protection. A 1998 law combined the National Welfare Organization with two similar entities in 1999 to provide better services. The services of the new organization were regionalized to provide greater access to child welfare services and funding prioritized according to regional needs.

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement.

There is no societal pattern of abuse of children. No national data exist on the incidence of child abuse; authorities other than police are not required to report such cases. In a 10-year clinical study of 200 cases of abused children, the Institute of Child Health (ICH) reports that 59.5 percent involved physical abuse, 20 percent involved neglect, and 21 percent involved children who were not abused at the time but had a history of abuse. (The study did not cover victims of sexual abuse.) An ICH prevalence study of child sexual abuse among 740 university students revealed an incidence rate of 7 percent among boys and 17 percent among girls prior to age 18. Societal abuse of children in the form of pornography and child labor is rare. Child prostitution is a growing phenomenon, particularly in some parts of immigrant communities of central Athens.

Children's rights advocacy groups claim that the protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Many NGO's make honest efforts to cover the gap, but they are not manned by professionals, lack supervision from the State, and do not have built-in evaluation systems. Two municipal shelters for battered children opened in Athens in 1999. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising. Child health specialists say that some social groups, such as Roma and illegal immigrants, are underserved.

In recent years, the number of street children who panhandle or peddle at city intersections on behalf of adult family members or for criminal gangs increased. According to the Ministry of Public Order, 78 percent of these children are Albanian, 12 percent are from other Balkan countries, and 10 percent are Romani. The Government implemented measures to combat this phenomenon, which included the institutional placement of children up to 12 years old, therapeutic consultations with their families, and the deportation of juveniles 12 to 17 year old. Street children are rounded up regularly by police. However, it is believed widely that even those who were deported managed to return eventually.

In August police detained a group of 35 Roma children from Albania, between the ages of 3 months and 11 years old, who were begging or being exploited by beggars in the streets. Police apprehended 20 adults, identified as parents. Police believe that this was the largest child exploitation ring ever uncovered in the country. The group of Roma was deported. A children's NGO, A Child's Smile, claims that many street children are victims of abuse. Based on the findings of a study it carried out in Thessaloniki in 1999, the majority of street children are between the ages of 8 and 14. Some 60 percent of the children are from Albania, and most have been separated from their parents, who remain in their native country. They are brought to Greece by someone posing as their guardian or parent. In most cases, their parents, faced with extreme financial difficulties in Albania, agreed to send their child to Greece in exchange for a small percentage of the monthly earnings.

*People with Disabilities.*—Legislation mandates the hiring of disabled persons in public and private enterprises that employ more than 50 persons. However, the law reportedly is enforced poorly, particularly in the private sector. The law states that disabled persons should account for 3 percent of staff in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons. Recent legislation mandates the hiring of disabled persons in the public sector from a priority list. The disabled are exempt from the civil service exam. Persons with disabilities have been appointed to important positions in the civil service.

The Construction Code mandates physical access for disabled persons to private and public buildings, but this law, too, is enforced poorly. A 1997 survey showed that over 60 percent of public buildings are not accessible to persons with mobility problems. Ramps and special curbs for the disabled have been constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. Since 1993 the Government has been replacing old city buses with new ones designed to accommodate the disabled. The new Athens subway lines provide full access for the disabled.

*Religious Minorities.*—Greeks tend to link religious affiliation very closely to ethnicity. In the minds of many Greeks, an ethnic Greek is also Orthodox Christian. Non-Orthodox citizens have complained of being treated with suspicion or told that they were not truly Greek when they revealed their religious affiliation. Non-Orthodox citizens also have claimed that they face career limits within the military and the civil service due to their religions.

In the military, generally only members of the Greek Orthodox faith become officers, leading some members of other faiths to declare themselves Orthodox. Only two Muslim officers have advanced to the rank of reserve officer.

Although in the past there have been numerous cases of discriminatory denial of Muslim applications for business licenses, tractor ownership, or property construction, both Muslim and Christian leaders report that these discriminatory practices have ended.

Members of minority faiths have reported incidents of societal discrimination, such as local bishops warning parishioners not to visit clergy or members of minority faiths and neighbors requesting that the police arrest missionaries for proselytizing. Some non-Orthodox religious communities believe that they have been unable to communicate with officials of the Orthodox Church and claim that the attitude of the Orthodox Church toward their faiths has increased social intolerance towards their religions. The Orthodox Church has issued a list of practices and religious groups, including Jehovah's Witnesses, Evangelical Protestants, Scientologists, Mormons, Baha'is, and others, which it believes to be sacrilegious. In 1999 there was an incident in which local Orthodox clergy and local government officials mobilized to demolish a government-approved house of prayer in the process of construction by Jehovah's Witnesses in Halkidiki in northern Greece. The incident was resolved swiftly through the intervention of police forces. Officials of the Orthodox Church have acknowledged that they refuse to enter into dialog with religious groups considered harmful to Greek Orthodox worshippers; church leaders instruct Orthodox Greeks to shun members of these faiths.

*National/Racial/Ethnic Minorities.*—An increase in xenophobia paralleled an increase in the number of non-Greeks living and working in the country. Antiforeigner sentiment is directed mainly at Albanians (who make up over three-fifths of the alien population). Landlords in Athens and other parts of the country routinely refuse to rent to Albanians, even to that country's diplomats.

Significant numbers of Greek citizens identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, although it stated publicly in August 1999 that members of that minority could identify themselves individually as belonging to different ethnic groups. However, the Government failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture. Most of the Muslim minority (officially estimated to number 98,000) are ethnically Turkish or Turcophone and live in Western Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness. While use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loy-



alties, and many object to their use by Greek citizens of Turkish origin. The 8-month prison sentence of a dozen Muslim teachers, convicted in 1996 for using the name "Turkish Teachers of Western Thrace" in a union document, remained suspended pending appeal. In December the Supreme Court overturned an appeals court decision that upheld a 1986 trial court's order to close the "Turkish Union of Xanthi" because of the use of the word "Turkish" in the organization's name. The Supreme Court stated that the court's decision should be based on the organization's activities and not its name, and it therefore ordered the appeals court to review the case.

The Treaty of Lausanne provides that the Muslim minority has the right to Turkish-language education, with a reciprocal entitlement for the Greek minority in Istanbul (now reduced to about 3,000 persons). Western Thrace has both Koranic and secular Turkish-language schools. Under a 1952 educational protocol, Greece and Turkey may exchange annually 35 teachers on a reciprocal basis for service in Istanbul and Western Thrace. Due to the dwindling needs of the small and aging Greek population in Istanbul, in recent years the Greek side limited the exchanges to 16 teachers per country. There were no complaints during the year from Muslim leaders about bureaucratic barriers preventing Turkish teachers from working in Thrace.

In 1999 the Government approved 19 Turkish textbooks for use in the secular Turkish-language schools (referred to as "minority" schools in Thrace). Under a 1960 bilateral protocol, Turkey provides copies of the approved texts for use in the schools of Western Thrace. The books arrived in May 2000.

In Western Thrace over 8,000 Muslim children attended Turkish-language primary schools. An additional 150 attended 2 bilingual middle schools with a religious curriculum. Approximately 700 attended Turkish-language secondary schools, and approximately 1,300 attended Greek-language secondary schools. In the past, many Muslims reportedly went to high school in Turkey due to both the limited number of places in the Turkish-language secondary schools, which are assigned by lottery, and parent preference. However, the lottery system was not used during the year, and all students who applied were admitted. In 1999 the Government instituted an European Union-funded program for teaching Greek as a second language to Muslim children, primarily for those students in the Greek-language public schools, to improve their academic performance and chance of obtaining postsecondary education in Greece. In addition the Government offered further opportunities for minority students to learn Greek through preschool, kindergarden, afterschool, and summer school courses.

Government incentives encourage Muslim and Christian educators to reside and teach in isolated villages. However, in a 1999 law, the Government cancelled the program of incentives for Christian educators teaching temporarily in minority schools. Teachers Union representatives complained that the move would discourage Christians from seeking temporary teaching positions in minority schools. The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes. Universities and technical institutes are required to create a certain number of places for Muslim students each year; 400 spaces were available for the 2000–2001 school year. Under this law, 123 Muslim students entered Greek universities and technical institutes during 1999. Approximately 1,700 other Muslim students entered via the national examination process open to all Greeks and were attending universities and technical schools.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations is much lower than the Muslim percentage of the population. Muslims in Western Thrace claim that they are hired only for lower level, part-time work. The Government claims and Muslims and Christians note that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limit the number of Muslims eligible for government jobs.

Public offices in Thrace do their business in Greek; the courts provide interpreters as needed. Since 1998 there have been no claims of discrimination against Muslims who apply for business licenses, tractor ownership, or property construction. Muslims and Christians in Thrace commended the Government for the basic public services (electricity, water, and telephone) provided to Muslim villages in recent years.

Other than in one multicultural elementary education "pilot school," the Government does not provide instruction in Greek as a second language to Turcophone children in the Athens area. Muslim parents report that their children are unable to succeed in school as a result of this policy. The Government maintains that Muslims outside Thrace are not covered by the Treaty of Lausanne and therefore do not enjoy those rights provided by the treaty.

Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change

their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

The Government refuses to acknowledge formally the existence and "minority" status of ethnic/linguistic groups, such as Vlachs and Slavophones, other than the Muslim minority specified in the Treaty of Lausanne. As a result some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture.

Northwestern Greece is home to an indeterminate number (estimates range widely, from under 10,000 to 50,000 or more) of citizens who still speak at home a Slavic dialect, particularly in Florina province. A small number of them identify themselves as belonging to a distinct ethnic group and assert their right to "Macedonian" minority status. Their assertions generate strong objections among the 2.2 million non-Slavophone Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government will not recognize the Slavic dialect as a "Macedonian" language distinct from Bulgarian. Members of the minority assert that the Government pursues a policy designed to discourage use of their dialect. Government sensitivity on this issue stems from concern that members of the "Macedonian" minority may have separatist aspirations. Greece's dispute with the former Yugoslav Republic of Macedonia over that country's name heightened this sensitivity. Complaints of government harassment and intimidation directed against these persons decreased significantly since 1998 and ceased in 2000.

In July 1999, three Muslim Members of Parliament and a number of Greek human rights organizations issued a letter calling on the Government to recognize legally the right of self-identification for members of all minorities, including the Muslim and "Macedonian" minorities. Senior government officials in August 1999 reaffirmed an individual, but not a collective, right of self-identification.

Roma continued to face discrimination from some local authorities and society at large. The Prime Minister's Office for Quality of Life, responsible for coordinating government projects for Roma, estimates the total Romani population to be 150,000 to 200,000. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Western Thrace are Muslims; elsewhere the majority are Greek Orthodox. Many Roma are settled permanently, mainly in the Athens area. Others are either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country, or live in camps. The number of Roma who move around the country is decreasing gradually as families settle mainly into slums and camps around major cities. There are approximately 70 Romani camps with a total camp population between 100,000 and 120,000 persons.

At a September 1999 Implementation Review Meeting in Vienna of the Organization for Security and Cooperation in Europe, the Greek delegation recognized that the situation of Roma in Greece was "unsatisfactory and unacceptable" and committed the Government to remedy the situation. Government representatives identified as impediments to progress the lack of a unified voice from the Roma community and the widespread social prejudice against them.

In 1999 the Ministry of Interior completed a survey on the housing needs of the Roma; in March 2000 it established an interministerial committee to coordinate government action for them. Most Romani camps have no running water or electricity, much less garbage disposals or sewage treatment. Local authorities harass and threaten to evict Roma from their camps. The Roma of Tyrnavos, Thessaly, attempted to build their own lavatories in order to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes. The Ministry of Defense allocated land in 1999 and houses in December 2000 at a former army camp (Gonou) for the Roma of Evosmos, Thessaloniki, to occupy. (The 3,500 Roma were evicted in 1998 from their homes of some 30 years and then evicted from 4 other sites in the following 15 days.)

The NGO Greek Helsinki Monitor reported that many communities of Roma tent-dwellers were evicted or threatened with eviction during the year. A number of evictions took place in Athens from the location that will host the 2004 Olympics. In August 1999, local authorities evicted 30 Roma families from an area in Ioannina, which they had been renting for 7 years. In June 2000, the municipal authority of Nea Kios, Peloponnese, issued a decision to evict all 300 Roma from the region because the municipality claimed that the Roma contributed to the high crime rate. Police were asked to take action and implement the decision within 48 hours. A Roma hut was set on fire by unknown perpetrators. Human rights NGOs held the municipal authority responsible for the arson because of its decision to declare the Roma presence "undesirable." The decision of the municipal authority was repealed following the intervention of the Ombudsman's Office. In August municipal authorities in Crete attempted to evict over 100 Roma from their homes of 15 years in Nea Alikarnasos; the national ombudsman stopped the action.

Roma experience police abuse more frequently than some other groups. In September police were accused of beating Roma during a routine traffic stop in Nafplio. The trial of three policemen accused of beating two Romani teenagers in Mesolonghi in May 1998 still had not begun in September.

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. The approximately 400 Roma families in Tyrnavos, Thessaly, live in tents because the authorities refuse to include the area in city planning.

Romani representatives report that some local authorities have refused to register Roma as residents in their municipalities. Until registered with a municipality, no citizen can vote or exercise other civic rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

Government policy is to encourage the integration of Roma. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration, and the Ministry of Interior established an interministerial committee with the same aim. Poverty, illiteracy, and social prejudice nevertheless continue to plague large parts of the Romani population; these problems are most severe among the Roma who are mobile or who live in slums. The illiteracy rate among Roma is estimated at 80 percent. However, the Ministry of Education reported that the illiteracy rate is dropping among the Roma children, because the school enrollment rate increased by 17 percent and the drop-out rate decreased to 75 percent as a consequence of an identity card system, set up by the Ministry, which allows students to change schools more easily as their parents move. The idea of setting up satellite elementary schools near Romani camps has been set aside in favor of the policy of integration (except for preschool centers).

The integration of Roma into social security systems is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, since they are unable or unwilling to make the required contributions. Like other qualified citizens, indigent Roma are entitled to free health care. However, their access to health care at times is hindered by the fact that their encampments are located far from public health facilities. The Municipality of Pyrgos, Peloponnese, issued health cards to the Roma living permanently in the area and established a preschool center close to the Roma camp near the Alfeios River.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of youth centers in areas close to Roma communities. The Ministry established six such centers.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the law provide for the right of association. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike.

Approximately 26 percent of wage earners (nearly 650,000 persons) are organized in unions. Unions receive most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state are represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions have dues-withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations, 1 for civil servants (ADEDY) and 1, the General Confederation of Greek Workers (GSEE), for private sector employees. Unions are highly politicized, and there are party-affiliated factions within the labor confederations, but day-to-day operations are not controlled by political parties or the Government. There are no restrictions on who may serve as a union official.

Legal restrictions on strikes include a mandatory period of notice, which is 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes.

The courts have the power to declare strikes illegal, although such decisions seldom are enforced. However, unions complain that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give

adequate advance notice of the strike or the addition of demands by the union during the course of the strike. However, no striking workers were prosecuted.

Fewer strikes took place during the year than ever before, and those that occurred were fairly brief and nondisruptive. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security.

Unions are free to join international associations and maintain a variety of international affiliations.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively in the private sector and in public corporations. These rights are respected in practice. There are no restrictions on collective bargaining for private sector employees.

In 1997 and 1998 civil servants were accorded the right to organize and bargain collectively with the Ministry of Public Administration. The civil servants confederation conducted official negotiations with the Ministry of Interior for the first time in 1999.

In response to union complaints that most labor disputes ended in compulsory arbitration, legislative remedies were enacted in 1989 that provided for mediation procedures, with compulsory arbitration as a last resort. A 1992 law established a National Mediation, Reconciliation, and Arbitration Organization that applies to the private sector and public corporations (the military and civil service excluded).

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Three free trade zones operate according to European Union regulations. The labor laws apply equally in these zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits all forced or compulsory labor, including that performed by children, and the Ministry of Justice enforces this prohibition; however, women and girls are trafficked into the country for the purpose of forced prostitution (see Sections 5 and 6.f.). The Government may declare the “civil mobilization” of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International Labor Organization (ILO) Committee of Experts has criticized this power as violating the standards of ILO Convention 29 on forced labor. The Government did not resort to civil mobilization during the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits are enforced by occasional Labor Inspectorate spot checks and generally are observed. However, families engaged in agriculture, food service, and merchandising often have younger family members assisting them, at least part time. The Constitution contains a blanket prohibition of compulsory labor. Although no specific legislation explicitly prohibits forced and bonded labor by children, such practices are not known to occur (see Section 6.c.), except among some Roma and immigrants (see Section 5).

*e. Acceptable Conditions of Work.*—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of \$17.40 (6,986 drachma) daily and \$389.20 (155,943 drachma) monthly, effective July 1, is sufficient to provide a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37<sup>o</sup> hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE characterized health and safety legislation as satisfactory, it charged that enforcement, the responsibility of the Labor Inspectorate, was inadequate. Legislation passed in 1999 places the Labor Inspectorate under a central authority in compliance with ILO Convention 81. Workers do not have the legal right to remove themselves from situations that they believe endanger their health. However, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

*f. Trafficking in Persons.*—The law does not specifically criminalize trafficking in persons, but other statutes in the Penal Code are used to prosecute such cases. Arrests and court cases for prostitution by unlicensed foreign women, and cases

against their traffickers, have increased, but remain at a very low level. Fines and sentences for traffickers are minimal.

Greece is both a transit and destination country for trafficked women. Trafficking in women for prostitution in Greece has increased sharply in recent years. At any give time, some 16,000 to 20,000 trafficked women are in the country, according to unofficial estimates. Approximately 2,400 trafficked women were deported from Greece during the year; many are quickly brought back into the country, according to official sources. While the Government is stiffening its border controls, in part because of the European Union Schengen Agreement requirements, there are fissures through which many women are brought into the country from the Balkans and the former Soviet Union. Local police corruption also plays a role in facilitating their entry into the country.

According to a Panteion University professor, 75 percent of foreign female prostitutes are not told why they are being brought to Greece. Some women arrive as "tourists" or illegal immigrants who seek work and are lured into prostitution by club owners who threaten them with deportation. Some women are kidnapped from their homes by their fellow countrymen and smuggled into Greece where they are "sold" to local procurers. The victims of this practice are often minors. Frequently connections exist between illegal prostitution and other criminal activities.

## HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. Credible reports of police abuses persist, although their frequency has declined compared with last year.

The Government demonstrated a sustained commitment to economic reform, resulting in a successful transition to a fully functioning market economy. The private sector accounts for 85 percent of gross domestic product. Services, trade, and government employ about 67.4 percent of the labor force. The proportion of the labor force involved in industry has declined to only 33 percent. Major exports include manufactured goods (30.3 percent) and machinery and transport equipment (58.5 percent). Unemployment has declined substantially to around 6 percent. However, an estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected. The large Roma population is eight times more likely to be poor than the remainder of the population.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Although the authorities addressed problems in specific cases, police continued to use excessive force against suspects. Police also harassed and abused both Roma and foreign nationals. In practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial.

The electronic media are a mix of state-owned and privately owned national, local, and regional radio and television, with private stations dominating audience share by a wide, and ever-widening, margin. After taking office in 1998, the Government publicly declared its intention to "balance" the media in order to encourage more extensive attention to the conservative values and themes that the Government promotes. After 2 years in office, the Government recognized that it was only one (although an influential) player in the media market, and decided to stop pursuing such balance. In spite of numerous dismissals of journalists in the state-owned radio and television, certain members of the governing coalition still publicly contend that these outlets are overrepresented by liberal, opposition-leaning journalists. The junior coalition partner, the Smallholders, submitted a proposal to the Parliament to investigate the pre1990 political activities of state-employed journalists. Although certain news analysis programs on state media often function as platforms for right-wing voices, the main news programs remain largely politically neutral.

Violence against women and spousal abuse of women remain serious problems. Sexual harassment and discrimination on the job also remain serious problems. Steps have been taken to improve the rights of women and persons with disabilities. Anti-Semitic and racial discrimination persisted, but no new attacks were reported this year. Societal discrimination against Roma remains a serious problem. Traf-

ficking in women and children for the purpose of forced prostitution is a growing problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings.

In December an unsuccessful Cameroonian asylum applicant died while being deported; his feet were cuffed after his repeated efforts to break free (see Section 2.d.). The official report cites heart attack as the cause of death.

Trials continued in a number of cases of men charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades, all at the time of the 1956 Revolution. The defendants were tried in 1993. At the time, they were charged with murder, but acquitted because the 15-year statute of limitations for such a charge had passed. The new trial became possible after the Supreme Court overturned the previous verdicts in June 1999, stating that these cases should be tried as war crimes, which have no time limit. In these cases, the issue before the courts was whether each specific individual is guilty of a war crime, an argument that can be made because a civil war was in progress at the time, and all defendants were members of the border guards, police, or military. By year's end, 10 cases had concluded with guilty verdicts. Those accused were sentenced to short prison terms that subsequently were suspended, were stripped of their rank, and had their pensions reduced accordingly.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other such practices. No known incidents of torture occurred. An investigation into allegations of torture made in early 1999 by a confessed mass murderer concluded during the year without enough evidence to bring charges against any police officers. Police abuses continued, including use of excessive force, beatings of suspects, and harassment. Police also continued to harass and physically abuse Roma and foreign nationals. In 1999, 2,397 reports of police abuse were filed compared with 2,296 in 1998. Of these complaints, only 377 resulted in court cases, compared with 312 in 1998. In 845 cases, no investigation occurred. Many of the cases that did make it into the court system were still pending at year's end; no accurate data on convictions were available. Historically, 10 to 15 percent of such cases result in conviction. In the first 6 months of the year, policemen were convicted in five cases. Also in the first 6 months of the year, the National Police Headquarters reports the following number of incidents of police abuse to be: 5 cases of forced questioning, 8 cases of abuse against Roma, and 16 cases of abuse against foreigners. Punishments include fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court sentenced four police officers to 1 to 2 years in prison for the exceptionally severe beating of a detainee under interrogation. The appeals court suspended the sentences, and three out of the four officers continue to serve as police officers. According to a report by the Hungarian Helsinki Committee, persons detained by police complain of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely. Some sources attribute the rise in numbers of reports of police abuse to a growing willingness to seek official redress in these instances. The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt. In June 1999, after several incidents of police brutality against Roma in Hajduhadhaz, the Ministry of Interior admitted that the town had the highest level of reported police violence in the country, and that half of the town's police force was under investigation for allegations of abuse. In May the Debrecen County Court convicted three of five officers charged with abuse and sentenced them each to prison terms of 2 years and 5 months. A Roma rights organization reported that in Budapest in June 1999, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers; the case was still pending at year's end. Despite such occurrences, the Ombudsman for Minority Affairs believes that the situation is, at worst, remaining constant, and possibly is marginally better. The Ombudsman continues to promote a uniform anti-discrimination law.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police generally are more cooperative with outside monitoring of police behavior. However, these efforts are hampered by low salaries and a lack of physical resources. A 1997 study by the Ombuds-

man's office, which investigates constitutional violations in the public sector, denounced police corruption but noted that it was unsurprising that it existed, given police officers' low pay and poor working conditions. The Ombudsman found that working conditions in the vast majority of police offices were unsuitable. In 1999 the Interior Ministry, as part of the Government's general anticorruption plan, launched a program to fight corruption in law enforcement. The program promotes reform of the systems for recruitment and training at the National Police and the Border Guards. Applicants for these organizations have to pass a thorough psychological test; in addition their financial situation and other risk factors are examined. The program also prepares law enforcement officers to recognize and avoid "corruption situations." As part of the program, the Interior Ministry has added 86 new officers to the Office for Supervision and Control.

Police frequently harass foreign residents, particularly nonEuropeans. At times, police showed indifference towards foreigners who had been victims of street crime.

Prisons are overcrowded but meet minimum international standards. The population of prisons and detention centers as of September was 15,769 persons (4,264 of whom were in pre-trial detention), or 160 percent of capacity, which represents an increase of over 600 prisoners from the end of 1999. Tougher maximum sentences have contributed to the increase of the prison population. The age of most prisoners is now between 25- and 40-years-old. Between 65 and 70 percent of prisoners earn wages while in prison, either from work performed in prison or from workrelease programs. Some programs allow prisoners to spend weekends at home. A recent change in philosophy led to more efforts to rehabilitate criminals for their eventual return to normal life. Civil organizations and foundations assist in the rehabilitation process. According to officials, the general health of prisoners declined in the last few years. The chief Ombudsman issued a report on prison conditions and facilities in 1997. A new pre-detention center was opened in the summer, and two new prisons are scheduled to open within the next 2 years. A 1999 survey among prisoners about alleged abuse concluded that abuse by prison personnel was not a problem.

The Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—Police must inform suspects upon arrest of the charges against them but may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for juveniles, the indigent, and the mentally disabled; however, credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. Bail has been available to citizens since January, when a new Criminal Code entered into force. It is also available to foreigners, but rarely is used.

The Police Act permits police to hold suspects in public security detention (PSD) in the following cases: In which the suspect has no identity papers; in which blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

On December 18, a 30-year-old unsuccessful Cameroonian asylum applicant, Ebune Christian Ecole, died while being deported by police at Budapest Airport (see Section 1.a.). Ecole's repeated protests and attempts to break free led the captain of the SABENA flight, which was to transport him out of the country, to refuse to take him on board. Police then proceeded to further restrain Ecole by shackling his feet, at which point he reportedly fainted. Emergency Medical Technicians were unable to revive him. The official report of his death cites heart attack as the cause. Local NGO's have called for a thorough investigation of the circumstances surrounding Ecole's death.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). According to the new Criminal Procedure Law, pretrial detention is to be limited to a maximum of 3 years, after which the case expires automatically if formal charges are not brought. The lack of a bail system gives tremendous leeway to the judge. In 1999 the average length of pretrial detention was 3.5 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition foreigners usually are held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is re-

leased for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue their claims. The Minister of Justice, on behalf of the State, decides on compensation. The amount depends on the case and can cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

The law does not provide for exile, and it is not employed.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair, although sometimes slow, process.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The Supreme Court is the final court of appeal, while the Constitutional Court is the final court on constitutional matters. In the case of military trials, appeals also may be addressed to the Supreme Court. Under the new Criminal Procedure Law enacted in January, an intermediate court of appeal was to be established between the metropolitan/county courts and the Supreme Court. These intermediate courts are designed to alleviate the current backlog of court cases and permit lower courts to hear simple cases. Critics of the new system charge that it would instead slow court procedures and increase costs. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints. A National Judicial Council (NJC) was established in 1997 to nominate judicial appointees and oversee the judicial budget process. The NJC will also oversee the implementation of the fourth level of courts.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it as well as their compliance with international treaties that the Government has ratified. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members to 9-year terms, which may be renewed; no renewals have been made to date. The retirement age of the Constitutional Court judges is 70 years. No judge or member of the Supreme or Constitutional Courts may belong to a political party or engage in political activity.

The law provides for the right to a fair trial, and the authorities respected this right in practice. Counsel is appointed for indigent clients, but public defenders are paid poorly—less than \$5 (1,000 Huf) for the first hour of the trial and less than \$2.50 (500 Huf) for each additional hour—and do not give indigent defendants priority. Lawyers often meet indigent clients for the first time at trial.

Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature. The public defender system provides generally substandard service. (There is no public defender's office, as such; private attorneys may or may not choose to serve in this capacity. Since public defenders are paid only for the hours spent in trial, little to no preparation is done and lawyers often meet their clients for the first time at the trial.)

In selected cases, judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. In October 1998, the victim protection office was established in the Ministry of the Interior. Under the new Criminal Procedure Law, witnesses (and in some cases, victims, judges, and translators) are to be protected by having their personal data kept closed, in a separate location from the case files. For specially protected witnesses, court appearances are unnecessary; they are to be questioned personally by the judge. In July 1999, Parliament passed a resolution calling for a new victim protection plan, which would provide new identities and homes for victims and their family members. A bill must be submitted by December 31, 2001. There is no jury system; hence judges are the final arbiters. Under the new Criminal Procedure Law, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a "trial waiver," is now available to prosecutors.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically they allege that Roma are kept in pretrial detention more often and for longer periods of time than nonRoma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed



under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from poor counsel and unenthusiastic representation.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. During the last 2 years, there were no publicized reports that police entered private residences without warrants to check foreigners' identification.

In August 1998, Prime Minister Orban stated that FIDESZ politicians and their families were the targets of illegal secret surveillance in 1997. Orban claimed that the investigators, whose identity he did not reveal, sought damaging information to use in the spring 1998 elections. Opposition (former government) leaders vigorously denied the accusations. In its final report issued in the spring, the parliamentary committee formed to investigate the matter did not find evidence to support allegations of widespread misconduct.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press, and the Government respects this right in practice. However, during the year the FIDESZ-led coalition Government actively attempted to counterbalance what it considers a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless, a wide variety of views and opinions is available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. In addition numerous new publications made the local print market much more competitive. Political opposition sources claim that this competition was utilized by the coalition in its attempt to balance the print media, some elements of which the Government views as too liberal and anticoalition. Advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tend to receive better access to government sources.

Parliament passed a media law in 1996 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio and was intended to insulate the remaining public service media from government control. The National Television and Radio Board (ORTT), the regulatory agency created by the 1996 Media Law, has continued to monitor news broadcasts for equal treatment of all political parties. Several commercial stations were warned publicly by the ORTT during the year for giving more time to one party over others.

The state broadcast media continue to lay off large numbers of journalists and administrative personnel to reduce overhead. Opposition figures have accused the Government of firing journalists based on political bias. State-owned media (Hungarian Radio, Hungarian Television, and Duna TV) operate with incomplete Boards of Trustees representing only coalition nominees, an issue debated in the constitutional court and in the Parliament.

On March 14, some 6,000 demonstrators marched across Budapest to demand an independent supervisory board for the broadcast media. The demonstration was organized by the Socialist Party, trade unions, and nongovernmental organizations (NGO's); representatives of other opposition parties also took part.

Academic freedom generally is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respects this right in practice. There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly, except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. Police sometimes may alter or revoke permits, but there is no evidence that they abuse this right.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There are 92 officially recognized religions. A group needs 100 members (or 100 signatures) to register as a religion in any county court. There is no preferred religion, although not

all religions receive state support. State support is in the form of funds negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. A 1996 law allows citizens to donate 1 percent of their taxes to any religion, and a 1997 law extended this option by allowing citizens to donate 1 percent to any religion and 1 percent to a civil organization or public institution. In 1999 the Ministry of Cultural Heritage provided \$11.24 million (2.81 billion Huf) for the reconstruction of church properties and monuments and for other investments. In May the Government passed an amendment to existing tax laws that confirmed sales tax exemption for country's historic denominations and for NGO's. However, minority religions (including Adventists, Pentecostals, Methodists, and all Eastern religions) cannot reclaim sales tax under the amendment, which they feel threatens to marginalize them even further. The churches took the case to the Supreme Court, which chose not to review it. However, in December the Government passed a new amendment to replace that which had passed in May. The new amendment set criteria under which direct contributions to churches are tax deductible; these criteria limit the benefit to 14 of the some 90 registered churches in the country.

In 1997 the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also provided for a minimum state payment (separate from the annual negotiated support) of \$7.8 million (1.7 billion Huf). Similar compacts were signed with the country's three other historical religions in 1998. The Jewish community receives \$2.6 million (608 million Huf), and the Calvinist and Lutheran Churches each are entitled to \$4.3 million (1 billion Huf). Religious schools receive support per child in the same way that state schools do. Religious orders and schools have regained some property confiscated by the Communist regime.

Several synagogues have been built since World War II, generally replacing older demolished synagogues. The first completely new synagogue built since the war was constructed in 1998 at a Jewish summer camp in Szarvas.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or have taken advantage of situations (eviction for nonpayment of bills or condemnation of Roma homes) to relocate and concentrate Romani populations, in effect creating ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with about \$40,000 (over 10 million Huf) in public debt may be denied travel documents. The Government requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission sometimes is available.

A total of 6,247 refugees from the former Yugoslavia are registered in the country. Most are in private housing, with only 506 housed in 3 permanent and 2 temporary refugee camps, or "reception centers," run by the Office of Immigration and Nationality (OIN), formerly known as the Office of Migration and Refugee Affairs (ORMA). (In January the Government established OIN as a central authority for asylum and immigration matters.) In addition to the three government-owned camps, two additional temporary camps are used through contracts with the NGO's that run them. They have been operating since 1991 and 1993, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. The Government estimates that there are as many as 5,000 asylum seekers and as many as 40,000 to 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status; the local office of the U.N. High Commissioner for Refugees (UNHCR) believes that these figures is too high. OIN began drafting amendments to the country's asylum laws in June to comply with existing European Union (EU) regulations.

The Government provides first asylum and cooperates with the local office of the UNHCR and other humanitarian organizations assisting refugees. In 1999 the Government granted 313 out of 11,499 applicants refugee status under the Geneva Convention; 1,776 applicants were granted temporary protected status. During the first 9 months of this year, 151 out of 5,720 applicants were granted refugee status and 567 were allowed to stay on temporary protected status. The number of applicants, excluding Yugoslav citizens, increased by 8 percent. Of 11,299 applications submitted in 1999, 1,176 were Afghan, 1,176 from Bangladesh, 506 from Iraq, 228 from Sri Lanka, and 3,306 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the significant increase in Yugoslav applicants in 1999 corresponded with the onset of a series of crises in Kosovo. In the months following the cessation of hostilities, many of these applications were withdrawn, and OIN authorities believe that many more refugees simply have gone home. A March

1998 law lifted Hungary's geopolitical reservation to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government now adheres completely to the provisions of this Convention. Under the old law, the Government only handled claims from European asylum seekers, and the UNHCR handled all other claims. The increase in caseload resulting from this change and from events in Kosovo and the resulting NATO action placed a tremendous strain on the OIN's resources, leading to the high number of pending cases and increasing the processing time per application. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were approximately 1,831 asylum seekers located in 3 permanent and 2 temporary reception centers as of September 27. The Government has been criticized by NGO's and Western countries for inhuman conditions in detention facilities and the arbitrary application of asylum procedures. In February 1999, the Parliament's human rights Ombudsman criticized the conditions in border facilities as "uncivilized and intolerable." In response to this criticism, the Government has closed down the worst buildings within the centers and has begun the construction of others. There is an ongoing project to refurbish the border guards' community shelters. Of the eight currently in operation, three have been fully refurbished and reopened, and one reopened early in the year. The conditions in the older facilities are not good. The country, which has been dealing with refugee issues on a large scale for only the past 10 years, has borne a great deal of the refugee burden resulting from the Kosovo crisis, and the Government has sought to work with NGO's to improve conditions.

Aliens caught trying to cross the border illegally may apply for refugee status or are housed temporarily at one of eight border guard facilities throughout the country pending deportation. During the first 6 months of the year, 910 persons occupied the facilities, while in 1999 there were between 500 to 600 occupants. During the first half of the year, 5,798 illegal aliens were apprehended, while in 1999, 12,438 were apprehended. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often result in lengthy stays. In 1999 the authorities expelled 12,000 foreigners from the country; however, there were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens age 18 and over have the right to change their government through national elections held at least every 4 years. Members of Parliament are elected through a complex voting procedure for individuals and party lists. The FIDESZHungarian Democratic Civic Party heads the coalition with the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ.) The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

No legal impediments hinder women's participation in government or the political process, although they are underrepresented in relation to their percentage of the population; only 33 of 386 parliamentary representatives are women, and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. Despite the lack of ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective minority populations. There are no Romani Members of Parliament.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Numerous human rights organizations operate without government restriction or interference. Many NGO's report that the Government is generally responsive to their requests for information. An increasing number of NGO's are involved in the law-making process. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. There is also a 21member parliamentary Committee for Human, Minority, and Religious Rights.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against

Roma. This is due to widespread prejudice, lack of positive reporting, and lack of opportunity for advancement.

*Women.*—Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who come forward often receive little help from authorities. While there are laws against rape, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her abuser. Laws recognize rape within marriage. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are "archaic." In 1999 there were 4,668 reports of crimes against family, youth, and sexual morality; 4,589 such crimes were reported in 1998. In 1999 women were the victims of 103,855 crimes; they were the victims of 106,211 crimes in 1998.

The law does not prohibit sexual harassment in the work place. A 1995 report prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that there is little support for efforts to criminalize sexual harassment, and that harassment is tolerated by women who fear unemployment more than harassment. Under present law, acts of sexual harassment may be prosecuted under the defamation statutes (if violent, they are considered sexual misconduct).

Legally women have the same rights as men, including identical inheritance and property rights. In September 1999, the Office for Women's Issues started operating an anti-discrimination hot line, which operates 10 hours a day and offers free legal advice to women who feel that they were discriminated against with respect to employment. According to the head of the office, the hot line receives 20 to 30 calls per day. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government remains low, although the number of women in the police and the military has risen significantly over the past several years, with significant increase in 1999. Women are heavily represented in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues more effectively. As of August 1, the Women's Representation Secretariat became an independent department within the Ministry.

*Children.*—The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 15. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. In 1999 children were the victims in 8,977 crimes, while in 1998 they were the victim of 8,769 crimes.

*People with Disabilities.*—Government sources estimate that between 600,000 and 1 million persons (6 to 10 percent of the population) are disabled. Of these, 300,000 to 350,000 are considered seriously disabled and receive increased government benefits. A law that was passed in 1998 requires that all public buildings be made accessible to the disabled within 10 years. A Council for the Disabled was established in January 1999, under the chairmanship of the Minister of Social and Family Affairs. The Council serves as an advisory board to the Government. At present services for the disabled are limited, and most buildings are not wheelchair accessible. A 1997 decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average monthly salary for noncompliance. In 1999 such fines yielded \$6 million (approximately 1.77 billion Huf) for rehabilitation funds for the disabled. While the Government appears to be ready to consider reviews for mentally disabled patients under limited guardianship, U.S.-based NGO Mental Disability Rights International (MDRI) and local NGO Hungarian Mental Health Interest Forum (PEF) note that contrary to internationally recognized norms, no review procedures exist for patients under plenary guardianship. MDRI and PEF also criticize the use of cages in government facilities for the mentally disabled.

*Religious Minorities.*—Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the "latent anti-Semitism" in some media, in some elements of Parliament, and in society.

On November 2, some 30 gravestones were vandalized in Budapest. The damage to the stones was estimated to be \$16,000 (5 million Huf).

In July 1999, two skinhead members of the Arrow Cross Movement admitted to defacing 15 graves in a Jewish cemetery in Szombathely. The skinheads painted anti-Semitic graffiti on gravestones shortly before a Holocaust commemoration was to take place on July 3 in the cemetery. The desecration was criticized sharply by President Goncz. In November 1999, a municipal court found the two youths guilty and sentenced one skinhead to 1 year in prison, which was commuted to 3 years' probation, while the second skinhead was sentenced to 8 months in prison, which

was commuted to 2 years' probation. No new incidents of skinhead violence were reported during this year.

In August 1999, the "Protocols of the Elder of Zion," a notorious anti-Semitic forgery, was published and available for purchase in a Hungarian translation for the first time since World War II. The Jewish community in Nagykoros filed a complaint against the publication with the Prosecutor General. The publication also was criticized by the Calvinist Church and the Catholic Church, which expressed concern over the increasing problem of lack of "respect and tolerance" toward various religious communities. Also in August 1999, the Ministry of National Cultural Heritage criticized any defamation of religion and announced that it supported a call by the Confederation of Hungarian Jewish Communities (MAZSIHISZ) for the publication of a scholarly work in the country addressing the book's false claims. The Ministry of Culture later sponsored a lecture and reception to introduce that book.

In November 1999, MAZSIHISZ asked the Cabinet to take action against "Fascist, racist, and anti-Semitic" outbreaks that were a source of public concern. The organization objected to the planned rehabilitation of the country's World War II Prime Minister Laszlo Bardossy, the desecration of Jewish cemeteries, and the publication of anti-Semitic books. MAZSIHISZ argued that the law should be changed to prohibit the denial of the Holocaust. In response to the concerns of the Jewish Community, Orban tasked an official in the Ministry of Culture to oversee issues of concern to the Jewish community.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide \$128 (30,000 Huf) each to the heirs of Holocaust victims. In February 1999, the president of MAZSIHISZ said that hundreds of Holocaust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. Previous awards to the heirs of victims distributed by the Communist regime were \$4,255 (1 million Huf). The Orban Government provided the 30,000 Huf figure as a line item in the Fiscal Year 1999 budget, stating that this amount was all that could be paid out without budget imbalances. Opposition parties were seeking to hold a special parliamentary session on this and other issues, but the Government was opposed to resolving the issue in this manner. Although the figure of \$128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government, it generally is agreed that the amount is too small, and it is a matter of ongoing renegotiation. In December the Constitutional Court ruled that the negotiated amount was unconstitutional. After this ruling, the Prime Minister instructed the Ministry of Justice to investigate the matter further and to draw up a new compensation proposal.

On March 20, the Budapest court sentenced Ehrem Kemal (Gyorgy Kemal in Hungarian) to 2 years imprisonment for inflammatory anti-Semitic speeches made in 1997. The sentence was suspended and replaced with 5 years probation. Kemal has appealed, and the case has been forwarded to the Supreme Court.

*National/Racial/Ethnic Minorities.*—The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers the establishment of local minority selfgovernments as a precondition for the enforcement of the rights of ethnic minorities. For this reason, local minority selfgovernment elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority selfgovernments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments. To improve cooperation between local and national minority self-governments, the establishment of county level self-governments is planned for next year. This model of minority self-government has been criticized mainly on two grounds: first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics. The Government is currently collecting proposals for an amendment to the minority law

to define more precisely both the competencies of minority self-governments and their source of financial support. Second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them. However, this would require modification of the law, which is not expected in the near future.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January 1999. Of these, 738 continue to function; the discrepancy reflected the number that ceased functioning between 1999 and this year due to a lack of funds. With some funding from the central budget and some logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socio-economic strata of Hungarian society. Ethnicity and poverty coincide with Roma; therefore, the Romani self-governments are faced with the task of improving the lives of their constituents with no additional resources. The concept of minority self-governments is in itself new, and policies still are evolving.

In 1995 Parliament appointed an Ombudsman—currently an ethnic German—specifically charged with defending minority rights.

Roma constitute at least 5 percent of the population, with some estimates going as high as 9 percent. In view of the higher birth rate among Roma compared with the general decline in the Hungarian population, this percentage is likely to remain constant or grow. This fact causes concern among a substantial portion of the majority population. Germans, the second largest minority group, constitute about 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities. Ethnicity and religion are only optional questions, so this may or may not provide a more accurate estimate of the actual numbers of the minority populations.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for each of the larger minority groups, complemented by 5-minute weekly news bulletins.

Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The percentage of the country's Roma graduating from high school in 1993 was 1.6 percent compared with 23.8 percent for non-Roma; only 0.24 percent of Roma graduated from university compared with 9.45 percent for non-Roma. The unemployment rate for Roma is estimated to be 70 percent, over ten times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations. As of January 1, the Government has reduced the limit on unemployment benefits from 1 year to 9 months, which affects the Romani community disproportionately, with its high unemployment rate, and exacerbates the poverty of this large segment of society. This may likely reinforce negative stereotypes of Roma as poor, shiftless, and a social burden.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. In September 1999, the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.5 percent of the Romani community graduate from high school, while 0.001 percent graduate from college or university. There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education), and there are Departments of Roma Studies in the

Teachers' Training College in Pecs and Zsambek. However, the impact has yet to be significant. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests these claims of human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children. An interministerial committee was established in the fall of 1999 and is led by the Minister of Justice. This committee was tasked with assigning Romani affairs desk officers in each ministry. There is currently such a desk officer in the Ministry of Education, who is himself a Rom. Several ministries have already accomplished this task, including the Ministry of Education, whose desk officer is a Rom.

In what is considered a landmark case, in July 1998 a court ordered a bar owner in the city of Pecs to pay a \$750 fine and take out a newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe, or unsanitary housing, or have punished nonpayment of utility bills by evicting Roma families, among others, from residences without providing alternative housing as the law requires. The European Roma Rights Center (ERRC) has reported cases of forced evictions during the year. For example, in the town of Ozd, ERRC visited apartment buildings from which Roma were forced to leave for renovations, many without having been given alternative housing for the duration and who may return only if they pay high fees for the costs of renovation. In some areas, this relocation and concentration of Roma populations has, in effect created ghettos. During the summer, laws on the tenancy of flats were amended to ease administrative procedures for evicting squatters. Under the new procedures, notaries public may authorize evictions and are required to enforce the order within 8 days, even if an appeal has been filed against the decision. Local NGO's worry that Roma families will bear the brunt of the new rules, saying that it expands the power of local officials to remove Roma from their homes.

The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. Oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities were shifted from the Prime Minister's Office to the Ministry of Justice. In July 1999, the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources.

Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the living conditions of the country's Roma population. It contends that the legal protection of Roma is ineffective and that regulations banning discrimination are insufficiently implemented. Government officials stress that the situation of the country's Roma is an issue that it is addressing.

Widespread popular prejudice against Roma continues. Police commonly abuse them (see Section 1.c.). Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reported a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of the year. However, MLKO sources believe that many cases go unreported.

In 1997 changes to the Penal Code made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality. The law has already been applied several times.

In March the Prime Minister's Office brought legal action against Peter Szegevari, a high-ranking official in the office, for having suggested that contraceptives be distributed to the Romani population to combat "excessive multiplication."

In October 1999, a group of skinheads attacked two Roma at a pub in Kakucs. One Rom suffered serious injuries as a result of the beating. Local police began an investigation in the case, but no results were reported by year's end.

In August 1999, a group of approximately 30 persons attacked a Romani family in a village near Nyiregyhaza. The attackers beat male members of the family, eight of whom were treated in the hospital for injuries. Local police reported that they interrogated two suspects in the case.

Discrimination, poverty, and unresolved social problems continue to drive Roma emigration. In July, 47 members of a Roma clan from the village of Zamoly made the news this year when they applied for refugee status in France and indicated their intent to file suit against the Hungarian Government at the Strasbourg International Human Rights Court. Following 3 years of increasing tensions over adequate housing between members of the clan and the local community, 47 members of the family travelled to Strasbourg, where they have sought asylum. The Strasbourg court has agreed to review that asylum case and is temporarily housing

and maintaining the 47 applicants. In 1998 an investigation by the Ombudsman for Minority Affairs concluded that the local mayor had indeed denied basic social services due to the Roma. The Ministry of Foreign Affairs reacted to the asylum claims by announcing that the Roma family was free to return.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and police officers, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 100,000 and 56,000 members, respectively.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code permits collective bargaining at the enterprise and industry level, although the practice is not widespread and is discouraged actively in the growing private sector. Labor organizations appear willing to cooperate with one another; this is particularly evident in their relationship in forums such as the National Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in April and which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT in order to control inflation. Individual trade unions and management may negotiate higher wages at the plant level. The new Government disbanded the Ministry of Labor and split its work between the Ministry of Economy (covering policy issues) and the newly created Ministry of Social and Family Affairs (covering employment issues and responsible for drafting labor-related legislation). In January the Government assigned all labor responsibilities to the Ministry of Economy. Employers are prohibited from discriminating against unions and their organizers. The Ministry of Economy enforces this provision.

There are no export processing zones per se, but individual foreign companies have been frequently granted duty-free zone status for their facilities.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Economy enforces this prohibition.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children (see Section 6.c.). The Labor Code forbids labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts, hard physical labor, and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16. The Government converted the family allowance into a school attendance allowance in September. This measure was intended to "force" children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for neglecting to do something that they cannot afford. By the Government, however, it is perceived as a way to provide incentives for greater commitment to education among Roma and as an effort to end a cycle of poverty in which impoverished Roma bring up large and illiterate families, whose members themselves later may become public burdens.

*e. Acceptable Conditions of Work.*—The OMT establishes the legal minimum wage, which is subsequently implemented by Ministry of Economy decree. The minimum wage, \$85 (25,500 Huf) per month, is insufficient to provide a decent standard of living for a worker and family. This is only 35 percent of the average wage. Many workers supplement their primary employment with second jobs, and there are reports that many citizens, while officially earning the minimum wage, actually make



more. Reporting the minimum wage is a way for both employer and employee to avoid paying higher taxes.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Economy enforce occupational safety standards set by the Government, but specific safety conditions generally are not consistent with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources that the Ministry of Economy is able to commit to enforcement. In theory workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. Foreign firms generally meet or exceed international standards for occupational safety.

*f. Trafficking in Persons.*—Although the country was once primarily a source for women and children trafficked for the purpose of forced prostitution, it increasingly is a transit and destination point as well. Hungarian women are trafficked to Western Europe or other parts of the world, primarily to Austria, Belgium, Germany, Italy, and the Netherlands but also to Canada, Japan, Spain, Switzerland, and Turkey. Hungary receives persons from Eastern Europe, especially from Russia, Ukraine, and Romania, who either use the country as a point of transit, or who remain in the country as their final destination. According to the Office of International Migration (IOM), in 1998 3,200 persons were trafficked in the country, which makes up one quarter of all illegal migrants apprehended. In 1999 348 human smugglers were arrested, while this year the number rose to 569. These figures include both those who assist in the illegal migration of others and those trafficking in persons. The penalty for trafficking is between 1 and 5 years in prison; however, if an organized trafficking ring is involved, the sentence can be doubled. A recent amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. The Government has concluded agreements with 10 European countries to facilitate improved police cooperation to combat organized crime and trafficking in persons. However, prosecution of traffickers is difficult because there is no legislation to protect victims. Parliament passed a resolution in July 1999 that called for a victim protection plan to be implemented no later than August 2001. Initial steps already taken include the creation of a Victim Protection Office in the Ministry of Interior, the establishment of a victim protection fund, and the posting of information brochures on victim protection in every police station. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, began operating in a few towns in the fall of 1999. This office does not deal exclusively or even primarily with victims of trafficking.

Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work in Budapest's thriving sex industry or for transit to Western Europe or North America, to which some Hungarian smuggling rings also provide babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the EU via Hungary. Hungarian victims are mainly young women, although they also include men, middle-aged women, and children. They are recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Some know that the purpose of the trip is to perform illegal work, while others simply think they are using a back-door means of attaining a visa. Others plan to work but believe that the appropriate papers and permission will be obtained by the organizers, who turn out to be traffickers. IOM continued a program funded by the European Union to raise awareness of the problem of trafficking and to educate potential victims.

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## ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials control the police force, which scrupulously observes and enforces the laws that ensure protection of human rights.

Iceland has a mixed, open economy that provides residents with a high standard of living. The leading exports, fish and other marine products, account for almost 70 percent of export revenues. An abundance of cheap hydroelectric power provides a comparative advantage for the main manufacturing activity—aluminum smelting. Aluminum is the second leading export. Growth was expected to approach 4 percent in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. Instances of suspected trafficking in women were reported.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur.

Prison conditions generally meet minimum international standards. Most of the country's small prison population (less than 100 inmates total) is held at Litla Hraun Prison in Reykjavik, which includes a state-of-the-art detention facility opened in 1995. However, the prison system still uses a substandard jail (Hegningarhúsið in downtown Reykjavik) to hold a small number of prisoners, where the individual cells lack toilets and sinks.

Human rights monitors have expressed concern about the use of illegal drugs by some inmates at Litla Hraun Prison and about the lack of social services to help inmates overcome drug addiction and prepare them for eventual release. Despite the small inmate population at Litla Hraun, the authorities have not been able to stop narcotics from being smuggled into the prison.

In a 1999 report, the European Committee for the Prevention of Torture (CPT) expressed concern during its visit to Litla Hraun prison in 1998 that nearly all detainees still were placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. Under the strictest form of solitary confinement, prisoners cannot leave their cells, except briefly to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers, the prison doctor, and a chaplain. In November 1999, the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they were expected to spend in solitary confinement.

In a preliminary response to the CPT report on September 30, 1999, the Government argued that solitary confinement was absolutely necessary in some circumstances to keep suspects from tampering with witnesses, destroying evidence, or hindering the investigation. On the other hand, it conceded that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of witnesses and evidence. However, the Prison and Probation Administration's statistics show that solitary confinement has been the rule rather than the exception, with most of those arrested being placed into solitary confinement, at least initially.

In May the European Court of Human Rights ruled in favor of an Icelandic woman who had been denied compensation for wrongful arrest on the grounds that she had not cooperated with police. The woman was held in solitary confinement for 5 weeks in 1989 in connection with a drug case before being cleared and released. The Government since has changed the law to make it easier for victims of wrongful arrest to receive compensation, recognizing the principle that all detainees should be presumed innocent until proven guilty.

With the closing of the Sudumuli remand prison in 1996, the Government passed a law in 1998 that allows pretrial detainees to be incarcerated with the general prison population. Some human rights monitors claim that this law is inconsistent with the country's obligations under the European Human Rights Convention and European prison rules issued by the Council of Europe.

Juveniles who are 15 years of age or older can be sentenced to prison terms, but the vast majority of juvenile offenders are given probation or suspended sentences

or agree to attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they are confined with the general adult prison population due to the lack of a separate detention facility for juveniles. In its 1999 report, the CPT stated that it was "very concerned" about the current situation and recommended that the Government take "immediate steps ... to ensure that juvenile prisoners are held separately from adults." In signing the u.n. Convention on the Rights of the Child in 1990, the Government entered a reservation on the provision requiring the separation of adult and juvenile prisoners. Government officials said that it is not practical to establish and operate a separate facility for juvenile prisoners in a small country like Iceland because the requirement to incarcerate a juvenile occurs so infrequently.

The Government permits prison visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government respects this provision in practice.

There are two levels of courts. A five-member Judicial Council appointed by the Minister of Justice administers the district courts, while the Supreme Court guards its independence and fairness by administering itself. All judges, at all levels, serve for life.

The judiciary provides citizens with a fair and efficient judicial process. Juries are not used, but multijudge panels are common, especially in the Supreme Court, which hears all appeals. Depending on the seriousness of the case, a Supreme Court panel can include from three to seven judges. Defendants are presumed innocent. They are provided access to legal counsel of their own choosing with sufficient time to prepare their defense. For defendants unable to pay attorneys' fees, the state covers the cost, as set by the court, but defendants are required to reimburse the state. Defendants have the right to be present at their trial, to confront witnesses, and to participate otherwise in the proceedings. No groups are barred from testifying, and all testimony is treated alike. The courts have the discretion to allow the introduction of evidence obtained illegally by the police. With limited exceptions, trials are public and conducted fairly, with no official intimidation. Defendants have the right to appeal.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—Although the official state religion is Lutheranism, the Constitution provides for freedom of religion, and the Government respects this right in practice. The salaries of Lutheran ministers are paid by the state. Citizens 16 years of age and above are presumed to be members of the state church and are required to support the church by paying a tax, unless they designate another religious denomination to receive their tax payment. The religion tax payment of persons who choose not to belong to any specific, organized religious group goes to the University of Iceland. Religious instruction in Christianity is required in the public schools, although students may be exempted.

A new law passed by Parliament in December 1999 (Law No. 108) sets specific conditions and procedures that religious organizations must follow in order to be recognized officially and registered by the State. Such recognition is necessary in order for religious organizations other than the state church to receive a per capita share of church tax funds. The 1999 law is narrower in scope than the 1975 law it replaced and applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. No restrictions or requirements are placed on unregistered religious organizations, which have the same rights as other groups in society. The law is considered necessary to deal with frequent attempts by individuals to obtain recognition of religious organizations simply to receive the tax income benefits.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice.

Although neither the Constitution nor the 1965 Law on the Supervision of Foreigners includes provisions for granting refugee or asylee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 protocol, in practice the Government adjudicates cases in accordance with their principles. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, and other humanitarian organizations in assisting refugees.

However, human rights monitors have expressed concern about the lack of a modern and comprehensive immigration law to govern the processing of asylum seekers and to provide a framework for the handling of foreigners and immigrants in general. In particular there is concern that the Supervision of Foreigners Law gives police and custom officers at ports of entry too much discretion to deny admission to asylum seekers whose claims they deem to be not "credible."

In response the Government states that official discretion is rarely exercised and that none of the 42 individuals who were denied entry to the country during the first 9 months of 2000 requested asylum. Nevertheless, many government officials agree that a comprehensive and modern immigration law is necessary.

In view of the country's geographic isolation and the lack of direct transportation from any traditional source of refugees, the question of first asylum rarely arises. However, the Directorate of Immigration (which is responsible for adjudicating applications for asylum) and the Icelandic Red Cross (which houses and assists asylum seekers under a contract with the Government) report that 24 individuals applied for asylum during the year, compared with 17 in 1999. None was found to qualify for refugee status (several cases were still under consideration or on appeal), but the 1999 application of an individual who claimed to be 17 years old and fleeing persecution in central Africa was approved. It was the first application for asylum status ever approved. There were no reports of asylum seekers being detained or forcibly expelled during the year.

The Government accepted 23 UNHCR-designated "quota" refugees from the former Yugoslavia during the year, continuing a program begun in 1996 of bringing in 20 to 25 refugees from the region each year. In 1999 the Government also admitted 75 Kosovar refugees into the country, 37 of whom since returned to Kosovo with the financial support of the Government. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, developed a support family program, whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees immediately are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate daily in a special half-day language course designed specially for them. Refugees generally are successful in assimilating into society, but their children generally drop out of school earlier than children of citizens.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent elections to the Althingi (unicameral Parliament) were held in May 1999.

Women are underrepresented in government and politics, but no legal or practical impediments hinder their participation. Some human rights monitors criticized the Minister of Justice (herself a woman) for filling a vacancy on the Supreme Court during the year by choosing the sole male candidate (who had never served on the bench) over three experienced female district court judges. Only one of the nine Supreme Court justices is a woman. Similarly, only 2 of 12 ministerial permanent secretaries (civil servants who function as deputy ministers) are women.

Women have greater representation in politics. Of the 12 government ministers, 4 are women, and women hold 24 of the 63 seats in Parliament. There has been a marked increase in the number of female parliamentarians elected since the Women's List (WL), a feminist political party, was founded in 1983. The WL forced the established political parties to nominate more female candidates or face losing support. The WL disappeared from the scene as the result of a political party merger, but its legacy survives. Women's issues have moved into the mainstream of political debate, and all of the major political parties now have at least one woman in a prominent leadership position.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The country's ethnically homogenous population is strongly egalitarian and opposed to discrimination based on any of these factors. The law and practice generally reflect this attitude.

*Women.*—Violence against women continued to be a matter of concern. A public women's shelter offers counseling and protection to victims of domestic violence and their children. Approximately 340 women used the shelter during the year, 94 of whom sought temporary lodging, while the rest asked for counseling or information. About 60 children accompanied their mothers to the shelter during the year. At a rape trauma center, between 300 and 400 women and children seek assistance annually. Both facilities are financed by national and municipal governments, as well as by private contributors. The emergency ward of the National Hospital in Reykjavik has a special staff to care for rape victims. It reports approximately 100 visits per year associated with incidents of sexual abuse.

A police program to train officers in correct interrogation procedures in rape and sexual abuse cases appears to be addressing prior concerns that police indifference and hostility to female victims did not assure proper attention and consideration for victims of such abuses. Parliament passed legislation in May that gives courts the power to issue restraining orders, an action that human rights monitors praised as a potentially useful legal tool in keeping abusive husbands away from their spouses.

A large majority of victims nevertheless decline to press charges, and even more forgo trial, fearing publicity in this small, tightly knit society. With an increasing number of interracial marriages, mostly involving Icelandic men and Asian women, there is concern that these new Asian immigrants are not assimilating well into local society and could be vulnerable to mistreatment. To address this concern, the city of Reykjavik offers these immigrant women emergency accommodation, counseling, and information on legal rights, language training, and Icelandic societal norms.

There were indications that some foreign women were trafficked to work as striptease dancers or prostitutes against their will (see Sections 6.c. and 6.f.). The sale of sex for money is not illegal per se, but it is against the law for someone to engage in prostitution as his or her main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex.

The rate of participation by women in the labor market is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. The Act on the Equal Status of Men and Women requires that preference be given to the hiring and promotion of women in areas where they are underrepresented, as long as they are equal in all other respects to their male job seekers. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women. A survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay is attributable to the fact that men work 4.2 more hours per week than women, but the rest of the gap is unexplained.

Parliament passed legislation during the year that gives fathers the same right as mothers to paid leave upon the birth of a child. When the law is fully implemented in 2003, both mother and father will be allowed to take 3 months of paid leave, with an additional 3 months that can be taken by either parent or shared between them. Previously, a mother was given 6 months of paid maternity leave and the father just 2 weeks. The new leave requirements apply equally to the public and private sectors.

*Children.*—The Government demonstrates its strong commitment to children's rights through its well-funded systems of public education and medical care. School attendance is compulsory through the age of 15. About 85 percent of students continue to upper secondary education, which is financed completely by the State. The Government provides free prenatal and infant medical care, as well as heavily subsidized childcare. The Office of the Children's Ombudsman in the Prime Minister's Office has a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government in 1998 established the Children's Assessment Center. The objective of the center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and are not subjected to multiple interviews. The center brings together police, prosecutors, judges, doctors, and officials from child protection services. However, a 1999 change in the Code of Criminal Procedure inadvertently undermined the center by making judges (instead of the police) responsible for the investigatory interview of abused children and by allowing these interviews to be conducted in specially designed rooms at district courthouses. In September the Supreme Court upheld the right of a Reykjavik district court judge to hold an investigatory interview in the courthouse rather than at the assessment center. As of September, only about 20 percent of child sexual abuse cases were being handled through the center, a development that human rights monitors claim is a step backwards in the protection of children's rights.

*People with Disabilities.*—Disabled individuals are not subject to discrimination in employment, education, or the provision of other state services. A 1992 law calls for the disabled to have the right to "all common national and municipal services" and provides that they be given assistance to "make it possible for them to live and work in normal society with others." The law also provides that the disabled should receive preference for a government job when they are qualified equally, or more qualified, than regular applicants.

Building regulations updated in 1998 call for public accommodations—such as hotels, restaurants, banks, and stores—as well as government buildings to be accessible so that persons in wheelchairs have access without assistance. Building regulations also specify that elevators in such buildings should be large enough to accommodate wheelchairs and that 1 percent of parking spaces (a minimum of one space) should be reserved for disabled use only. Moreover, the regulations specify that, to the extent possible, the sidewalk outside the main entrance of a public accommodation or government building should be heated so that it remains clear of ice and snow throughout the winter.

The 1997 Planning and Building Act provides that violations of these regulations are punishable by a fine or a jail sentence of up to 2 years. However, the country's main association for the disabled complains that enforcement is lax and that penalties are rarely assessed for noncompliance. Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged. A government committee is currently doing a systematic survey of all state-owned buildings in the country to evaluate their accessibility. Since 1995 the Reykjavik city government, in cooperation with local associations representing bicycle riders and the blind, has been systematically beveling sidewalks at intersections throughout the city to facilitate the movement of pedestrians, bicyclists, and disabled persons in wheelchairs. The city is spending about \$175,000 a year on this project, which it aims to have completed by 2006.

In what was heralded as a major human rights victory for the disabled, the Supreme Court ruled in December that the Government's practice of basing a disabled person's social security payment on the income of his or her able-bodied spouse or partner was unconstitutional. The Court said that such means testing violated constitutional protections regarding equality and support for the disabled and that it was contrary to the country's obligations under the International Covenant on Economic, Social, and Cultural Rights. At year's end, the Government appointed a committee to study the court ruling, a move that the Association of Disabled Persons criticized as a delaying tactic. It called on the Government to take immediate action to end the means testing and reimburse disabled persons for past reductions in their social security payments.

*National/Racial/Ethnic Minorities.*—Concern was voiced during the year that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic downturn. At the end of 1999, 7,271 foreigners were living in Iceland, or about 3 percent of the population, according to the statistics office. However, persons of foreign origin actually constituted 4 or 5 percent of the population when account is taken of individuals who were born in foreign countries but have since become citizens. New work and residence permits were issued at a rate of about 150 per month during the year. Many of these "temporary" workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expected most of them to seek to remain permanently rather than return to their countries of origin.

Human rights monitors expressed concern about the establishment in 1997 of an ultra-nationalist organization called the Association of Icelandic Nationalists, whose

motto is "Iceland for Icelanders." The avowed aim of the association is to prevent further settlement of foreigners of other than European origin in the country. Some human rights monitors claim that the Government is not living up its obligations under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination because there is no law that prohibits organizations that promote and incite racial discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers make extensive use of the right provided by the Constitution to establish organizations, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are controlled neither by the Government nor by any single political party. Unions take active part in Nordic, European, and other international trade union bodies. With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Approximately 80 percent of all eligible workers belong to unions. During the year, 3 major strikes took place: A 2-week strike in the spring by most of the unskilled and semiskilled labor unions outside of Reykjavik, a 2-month strike during the summer by the main bus drivers' union, and a 2-month strike at the end of the year by secondary school teachers. The teachers' strike, which was the longest such strike in the country's history, led some students to leave school and take up full-time jobs.

*b. The Right to Organize and Bargain Collectively.*—Union membership is not impeded in law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members. This is because union dues help support, among other things, disability, strike, and pension funds to which all workers are entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. New collective bargaining agreements were negotiated in the spring of 2000, and most will expire in either 2003 or 2004. The Government played only a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator's Office) while generally encouraging wage restraint to limit inflation. The new contacts provide that if inflation exceeds expectations during the first year, the unions have the right to seek renegotiation of the wage terms. In recent years, the Government has played almost no role in the private sector collective bargaining process, other than generally to encourage wage restraint that would help to limit inflation.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for in the 1938 Act on Trade Unions and Industrial Disputes, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In practice the charges are difficult to prove.

In 1996 Parliament passed legislation updating the labor laws and bringing them into compliance with the European Convention on Human Rights.

There are no export processing or other special economic zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by law and does not occur; however, some women reportedly were coerced to work as striptease dancers or prostitutes (see Sections 5 and 6.f.), and work permit practices could leave workers vulnerable to abuse by employers (see Section 6.e.). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). The law requires children to attend school until the age of 16 and prohibits the employment of younger children in factories, on ships, or in other places that are hazardous or require hard labor. This prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work-hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations.

The Government ratified ILO Convention 182 on the worst forms of child labor in May.

*e. Acceptable Conditions of Work.*—No minimum wage is mandated legislatively, but the minimum wages negotiated in the various collective bargaining agreements apply automatically to all employees in those occupations, whether they are union members or not. Union membership is so extensive and effective that labor contracts

afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours, which includes nearly 3 hours of paid breaks. Work exceeding 8 hours in a workday must be compensated as overtime. Under changes that took effect during the year, workers are entitled to 11 hours of rest (up from 10 hours previously) within each 24-hour period and to a day off every week. Under defined special circumstances, the 11-hour rest period can be reduced to 8 hours, but the worker must then be compensated with 1.5 hours of rest for every hour he received less than 11 hours. The day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week. Health and safety standards are set by Parliament and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

However, in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), human rights monitors expressed concern that the Government's practice of issuing the applicable work permit to the employer rather than to the individual concerned could leave the worker vulnerable to abuse by the employer.

*f. Trafficking in Persons.*—The law does not specifically criminalize trafficking in persons; however, a number of provisions in the Penal Code can be used to prosecute such cases.

Although no charges have ever been filed, trafficking in women is suspected in connection with the hundreds of foreign women who enter the country to work in striptease clubs. The main concern is that some of the women, especially those from Eastern and Central Europe, are being brought to Iceland under false pretenses and then coerced to work as striptease dancers or prostitutes. The police believe that the foreign women also may be used to bring illegal drugs into the country.

Parliament passed legislation in May that closed a loophole that allowed striptease dancers to enter the country and perform without a work permit for up to 4 weeks under an exemption given for "artists." Now any foreign woman (except those from the Nordic area and countries of the European Economic Area) seeking to come to the country to work as a striptease dancer must first obtain work and residence permits, which are typically valid for 3 months. However, the Government has not yet put any numerical limits or other controls on the issuance of work permits for foreign striptease dancers. The clubs are allowed to bring in as many as they want. One check is provided by the Icelandic Federation of Labor. The Federation reviews the work permit applications and labor contacts for striptease dancers (under the law, all work permit applications must be reviewed and approved by the "relevant" labor union) and ensures that the dancers are afforded the minimal labor protections and benefits.

The number of women entering the country for such work, while still based on anecdotal evidence, has fallen to a few hundred since they can now stay longer legally. By year's end, there had been no arrests in connection with these activities.

## IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, a directly elected president, and an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army acts in their support when necessary—the latter under the effective civilian control of the Minister for Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Good Friday Peace Agreement on April 10, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires. Members of the police have committed some human rights abuses.



Ireland has an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has been a large net recipient of funds from the European Union (EU), and this assistance has helped to address imbalances in the socioeconomic environment. Strong economic growth over the past few years lowered unemployment to 4.4 percent, the lowest in 30 years.

The Government generally respected the human rights of its citizens. Human rights problems arise primarily from: Instances of abuse by the police; prison overcrowding and substandard facilities; the continuation of special arrest and detention authority and the nonjury court; the occasional censorship of films, books, and periodicals; violence and discrimination against women; the abuse of children; and discrimination against asylum seekers and Travellers (an itinerant ethnic community).

As stipulated in the Good Friday Agreement, the Government established a human rights commission in July, which is to cooperate with a parallel commission in Northern Ireland. The human rights commissions are to provide information and promote awareness of human rights, comment on human rights draft legislation referred to them by the legislatures, make recommendations to the governments on the adequacy and effectiveness of laws and practices, and initiate court proceedings or provide assistance to individuals doing so. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland. To this end, the Government at year's end was preparing legislation which would allow for an 'interpretive incorporation' of the European Convention on Human Rights into Irish law.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

During the year, the Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated in questioning 87 persons in connection with the August 1998 Omagh bombing that killed 29 people and injured hundreds. To date only one person, Colm Murphy, has been charged in connection with the bombing. Murphy, an Irish citizen charged with conspiracy to cause an explosion, is expected to stand trial in Dublin in 2001. In October 2000, at the conclusion of the inquests of 28 of the 29 victims, the RUC announced that it knew of 15 suspects responsible for the bombing but lacked evidence sufficient to charge and prosecute them.

In May 1999, the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," abducted and killed by the Irish Republican Army (IRA) in the 1970's.

Pursuant to joint Irish and British legislation granting limited immunity to IRA members involved in these acts, information was given to the Commission by the IRA on the location of the nine bodies. In 1999 the remains of three of the nine victims were recovered and returned to their families. In January 2000 the Commission halted excavations until May, when digging resumed for another 3 weeks following receipt of new information from the IRA. At the end of May, the Commission again suspended the search pending new information from the IRA. Work had not resumed by year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and officials generally did not employ them. However, there were instances of abuse of detainees and prisoners. While the mistreatment of persons in police custody is not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

Human rights organizations have called for the establishment of an independent ombudsman or authority to investigate complaints against the police. It would replace the current statutory board, the Garda Síochána (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1999 the Board received 1,264 complaints, a decrease from 1,400 complaints in 1998. The complaints included charges of criminal behavior (mistreatment or abuse). After a review process conducted in accordance with the 1986 Garda Síochána (Complaints) Act, 192 cases were referred to the Director of Public Prosecutions, who directed that members of the Garda Síochána be prosecuted in 9 of those cases. None of the 9 cases reportedly resulted in convictions.

The Board also referred 20 of the complaints to an internal disciplinary body in 1999. Of the nine cases dealt with by year's end, five were found to involve wrong-

doing. The Board in addition sent 28 complaints directly to the Garda Commissioner for disciplinary action.

In response to a pan-European program, "Police and Human Rights 1997–2000," the Garda Commissioner in late 1999 launched the Garda Síochána Human Rights Initiative for 1999–2000 in order to further develop policing practices that uphold human rights. This initiative focused on the training of officers (from the senior level to incoming students), a review of practices and procedures, and increased coordination and cooperation with NGO's. In addition to this initiative, the Government introduced the recording of questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment.

Ireland has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is inadequate. Following charges that prisons are overcrowded and lack in-cell sanitation facilities such as toilets and running water, many are undergoing renovation. In addition prisons lack sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center), both unable to accept inmates at their initial openings in 1999, are now fully operational. These new facilities are designed to accommodate a further 1,200 prisoners and thereby help reduce overcrowding.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have ready access to mechanisms for redress. However, according to the Justice Department, no allegations of mistreatment of prisoners were leveled against the Prison Service during the year, and no similar claims were left outstanding from previous years. However, 44 complaints were made in 1998, the last year for which statistics are available. The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are the same, if not better, than those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without reservation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited prisons in 1998. In December 1999, the Government responded to the CPT's report with plans for improving conditions. In May 2000 the Government published a followup report as requested by the CPT.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order release unless it can be shown that the person is being detained in accordance with the law. The 1984 Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours when a police officer of the rank of superintendent or above so directs, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention of 8 hours overnight is possible, to allow a detainee to sleep.

In cases covered by the 1939 Offenses Against the State Act, the initial period of detention without charge is 24 hours on the direction of a police superintendent; detention can be extended another 24 hours by a judge. This act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the state," it is not restricted to subversive offenses. Therefore, the police have broad arrest and detention powers in any case involving firearms. However, under the terms of the Decommissioning Law enacted in 1997 in support of the Northern Ireland peace process, proceedings may not be instituted against persons in relation to any offense that may be committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The 1939 act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State." While this power has not been invoked since the late 1950's, the Government could do so by simply issuing a proclamation.

An amendment to the 1939 Offenses Against the State Act was enacted in the wake of the Omagh bombing in 1998. The amendment allows police to detain suspects in certain crimes, usually involving serious offenses with firearms or explosives, for 48 hours, with a possible 24-hour extension if approved by a judge.

The legislation also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding

his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Against the State Act). The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Government established a committee, chaired by a justice of the district court, to investigate allegations that the legislation violates international human rights conventions. The legislation, which was set to expire in June, was extended in July for an additional 12 months. The committee was expected to report its findings by the end of the year.

The 1996 Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking. However, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Following approval in 1996 of a referendum calling for stricter bail laws, legislation was enacted in 1997 that allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is contained in the bill; the offense must be one that carries a penalty of 5 years' imprisonment or more. In May the courts implemented the entire bail act following a delay due to a lack of prison accommodations.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system includes a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, a state official with independent status, prosecutes criminal cases. Jury trial is the norm. The accused generally may choose an attorney. For indigent defendants, the State assumes the cost of counsel under the criminal legal aid scheme.

However, the Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972, under the 1939 Offenses Against the State Act, the government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to the spillover of paramilitary violence from Northern Ireland, the use of the SCC was justified over the years to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. The continued need for the SCC is being kept under review by the Government.

During the first 6 months of the year, the SCC indicted 25 persons and held 14 trials, compared with 25 indictments and 18 trials in all of 1999. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he certifies that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace.

In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are essentially the same as in regular courts, except that the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as *prima facie* evidence. Sessions of the SCC are usually public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Good Friday Agreement, releases continued of those imprisoned for crimes related to the terrorist campaign in Northern Ireland. Prisoners belonging to organizations that have declared permanent cease-fires and who have committed themselves to work through peaceful, democratic means are the only persons qualified for this program. All releases were completed by July.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides individuals with the right to “express freely their convictions and opinions.” However, freedom of the press is subject to the constitutional qualification that it not “undermine public order or morality or the authority of the state.” The publication or utterance of “blasphemous, seditious, or indecent matter” is prohibited by the Constitution. While the press in practice operates freely, the 1961 Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the 1963 Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) are believed to result in some self-censorship.

Broadcasting remains mostly state controlled, but private sector broadcasting continues to grow. There are 43 independent radio stations and an independent television station. Expanded access to cable and satellite television is lessening considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The 1960 Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is “likely to promote or incite to crime or which would tend to undermine the authority of the state.” It was on this basis that the government banned Sinn Fein (the legal political front of the Irish Republican Army) from the airwaves from 1971 to 1994. Following Sinn Fein’s agreement to participate in the Northern Ireland peace process and the declaration of the IRA cease-fire, the Government restored Sinn Fein’s access.

The Office of the Film Censor must classify films and videos before they can be shown or sold. Distributors pay fees to finance the censor’s office. Under the 1923 Censorship of Films Act, the censor has the authority to cut or ban any film that is “indecent, obscene, or blasphemous” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” As of October, no theatrical films were banned during the year, but 125 videos were banned, mainly because of their pornographic or violent content. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals are also subject to censorship. The 1946 Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. As of October, the board had not banned any books or periodicals. In 1999 the board banned the mainstream *In Dublin* magazine for carrying advertisements for “massage parlors,” which were regarded by the board as solicitations for prostitution. The publishers challenged the ban in court, and the board’s ruling was overturned on the condition that the magazine take out the advertisements. In 1999 the board did not ban any books, but it banned 8 periodicals, compared with 15 books and 10 periodicals in 1998.

In 1996 Veronica Guerin, a journalist and crime reporter with the *Sunday Independent* newspaper, was murdered. The murder was seen as an attempt by criminal elements to silence press coverage of their activities. The incident shocked public opinion and led to the adoption of new legislation to combat narcotics-related crime. The courts convicted two men, Paul Ward (November 1998) and Brian Meehan (July 1999), in connection with the murder and sentenced them to life imprisonment. As of October, a third, John Gilligan, extradited from the United Kingdom, was awaiting trial; three other men have been sentenced on lesser charges related to the Guerin case. No incidents of violence against journalists have been reported since Guerin’s murder in 1996.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to “assemble peaceably and without arms” and to form associations and unions; however, it also allows the State to “prevent or control meetings” that are calculated to cause a breach of the peace or to be a danger or nuisance to the general public. Under the 1939 Offenses Against the State Act, it is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization. Although the law mandates the prosecution and incarceration of persons for mere

membership in a terrorist organization, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. Even though overwhelmingly Roman Catholic, Ireland has no state religion. However, most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction. There is no discrimination against nontraditional religious groups.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and repatriation.

The existing refugee law, enacted in 1996, has been implemented only partially and was under review. The law gives effect to the 1990 Dublin Convention, harmonizing European Union asylum procedures, and it also makes provision for program refugees (those invited by the state to apply for asylum; in 1999 mostly Kosovars). The law also expressly forbids the forced return of persons to a country where they fear persecution.

The Government grants refugee or asylee status in accordance with the provision of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government drew up specific administrative procedures for implementation of the convention in consultation with the UNHCR. In 1992 the Supreme Court ruled that these procedures were binding on the Department of Justice, Equality, and Law Reform.

The large increase in the number of asylum seekers continued to cause problems, severely straining the Government's processing system and societal acceptance (see Section 5). A total of 10,938 asylum seekers entered the country during the year. As of July, over 5,000 new applications were filed. The total number of applications awaiting processing as of December was 6,972; most applicants were from Romania and Nigeria. The Government provided first asylum in 211 cases during the year. An equal or larger number of asylum applications are expected in 2001.

There were no reports of the forced return of persons to a country where they feared persecution. Measures taken to speed the lengthy processing time of applications (currently about 18 months), including recruitment of additional staff, have had little impact because of the increasing number of refugee applications. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and have been waiting over 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track nonnationals who are the subject of deportation orders. The new Bureau also plans to: Coordinate activities leading to deportation, operational strategies and resources at ports of entry, and strategies to combat trafficking in illegal immigrants; strengthen international liaison on immigration issues; administer the nonnational registration service; and enforce immigration law generally.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. Several political parties have seats in the bicameral Parliament. Members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are popularly elected; in the Seanad (Senate), most members are elected by vocational and university groups, and the others are appointed by the Prime Minister. The President is popularly elected for a 7-year term and is limited to 2 terms. An appointed Council of State serves as an advisory body to the President.

Women are underrepresented in government and politics. Although the President is a woman, only 22 of the 166 deputies in the Dail and 11 of the 60 senators are women. Of the 15 government ministers, 3 are women, as are 3 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are women.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status. However, until recently few laws implemented these provisions of the Constitution. The 1998 amended Employment Equality Act went into effect in October 1999. It outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of the nine grounds listed above.

*Women.*—Domestic violence and emotional abuse are common. In response to what it sees as a “hidden” and “severely under reported” issue, the National Steering Committee on Violence Against Women (a multiagency government body) began a public outreach campaign in December 1999. The campaign aims to facilitate victims’ reporting of domestic and other types of violence by informing women of the resources available and rallying public support for victims. There are 24 women’s shelters, funded in part by the Government. According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise. However, calls to the center registered a slight decrease: 7,243 calls were received between July 1999 and June 2000, compared with 7,500 calls received over the same period in the previous year, probably due to changes in the call system. For the 1999–2000 period, the center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 10 percent of these cases resulted in convictions, with 39 percent of cases still pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

A 1990 law criminalizes rape within marriage, and the 1995 Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. Until 2000, as a witness, the victim was afforded no legal representation. The 2000 Sex Offenders Bill provides that “separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience.”

Discrimination against women in the workplace is unlawful, but inequalities persist regarding pay and promotions in both the public and the private sectors. Women hold about 43 percent of public sector jobs but are underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The 1974 Anti-Discrimination (Pay) Act, the 1977 Employment Equality Act, and the amended 1998 Employment Equality Act provide for protection and redress against discrimination based on gender and marital status. The Equality Authority monitors the implementation of these acts. According to 1998 statistics, women’s earnings have increased more rapidly than men’s since 1985, albeit from a lower starting point. The weekly earnings of women in industry still averaged only 65 percent of those of men in 1998.

Women’s participation in the work force still is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the work force, the Government included in its 2000–2006 national development plan in March an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to fund measures to improve childcare availability and quality.

The 1994 Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. A 1998 Parental Leave Act allows a child’s mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father’s leave or vice versa. Parental leave does not affect a mother’s right to maternity leave.

*Children.*—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and health care. Under the 1991 Child Care Act, education is free and compulsory for children from 6 to 15 years of age. The act places a statutory duty on government health

boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The 1987 Status of Children Act provided for equal rights for children in all legal proceedings.

The sexual abuse of children continued to receive significant media attention. The Dublin Rape Crisis Center reported that 58 percent of calls to its crisis line involved child sexual abuse, and only 13 percent of the incidents had occurred within 1 year preceding the call. The 1998 Child Trafficking and Pornography Act strengthens and updates measures to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

*People with Disabilities.*—The government Commission on the Status of People with Disabilities estimated in 1996 that 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. The 1991 Building Regulations Act established minimum criteria to ensure access for people with disabilities to all public and private buildings constructed or significantly altered after 1992, but enforcement is uneven. A National Disability Authority (NDA) began operations in 1999 with a budget of \$2.7 million (2 million Irish pounds). The NDA is to set disability standards, monitor the implementation of these standards, and engage in research and the formulation of disability policy. The Authority's new strategic plan was awaiting approval by the Government at year's end.

*National/Racial/Ethnic Minorities.*—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly analogous to the Roma of continental Europe. The "travelling" community has its own history, culture, and language. The Travellers' emphasis on self-employment and the extended family distinguishes them from the rest of society.

Travellers regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes. According to 1998 government statistics, of 4,978 Traveller families, approximately 1,191 live on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers are dependent on social welfare for survival and are unable to participate in the mainstream economy because of discrimination and a lack of education.

The 1998 Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee is overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller difficulties in these areas.

A 1998 law, entitled the Housing (Traveller Accommodation) Act—recommended by the 1995 task force—obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In the event of a failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to traveller groups, the act was implemented with mixed results during its first 2 years.

The growing immigration of foreign workers has been accompanied by societal discrimination and racial violence against the newcomers. These developments have sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. Although asylum seekers have the right to work if their cases remain pending for over a year, 4 in 10 claimed to have experienced racism and discrimination from recruiters and employers while looking for work, according to a study commissioned by the Irish Refugee Council. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs. A British citizen visiting Dublin was stabbed and seriously wounded in June while defending his black wife and son from attack. A Dublin bus driver was convicted and fined under the Prohibition of Incitement to Hatred Act in September as a result of a verbal exchange, which included racist slurs, with a black passenger. Groups of young people reportedly targeted white foreigners as well for verbal harassment and violent attacks. Government officials spoke out against racism and xenophobia, and in July racism was one of two major topics addressed at a government-sponsored NGO forum on human rights. In addition the Government initiated a public outreach campaign welcoming immigrants.

*Section 6. Worker Rights*

*a. The Right of Association.*—The right to join a union is provided for by law, as is the right to refrain from joining. About 48 percent of workers in the private and public sectors are members of unions. Police and military personnel are prohibited from striking, but they may form associations to represent themselves in matters of pay, working conditions, and general welfare. The right to strike is freely exercised in both the public and private sectors. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment. A number of strikes occurred during the year, including a nurses' strike, a bus drivers' strike, a train engineers' strike over wages, and a hauliers' (truck drivers) "go-slow" over fuel prices. All concluded peacefully, with the unions involved achieving some, if not all, of their goals.

The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

Unions may freely form or join federations or confederations and affiliate with international bodies.

*b. The Right to Organize and Bargain Collectively.*—Labor unions have full freedom to organize and to engage in collective bargaining. The 1974 Anti-Discrimination (Pay) Act and the 1977 Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination. If the Authority is unable to effect resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The 1977 Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in April.

The 1990 Industrial Relations Act established the Labor Relations Commission, which provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The export processing zone at Shannon Airport has the same labor laws as the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—Forced and bonded labor, including that performed by children, is prohibited by law and does not occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—By law children are required to attend school through the age of 15. Under the terms of the 1997 Protection of Young Persons Act, employers may not employ those under the age of 16 in a regular full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The act incorporates international rules on the protection of young workers drawn up by the International Labor Organization (ILO) and the European Union; it sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement is reportedly lax, but violations appear to be rare. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

*e. Acceptable Conditions of Work.*—A new national minimum wage, \$4.84 (4.40 Irish pounds) per hour, went into effect on April 1. This wage alone would not provide a decent standard of living for a worker and family. Low-income families continue to be entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. The Department of Enterprise, Trade, and Employment is responsible for enforcing four basic laws dealing with occupational safety that provide adequate and comprehensive coverage. No significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide that employees who find themselves in situations that present a "serious, imminent and unavoidable risk" may leave without the employer being able to take disciplinary action.



*f. Trafficking in Persons.*—Recent legislation criminalizes trafficking in persons, which so far is limited and infrequent. The 1998 Child Trafficking and Pornography Act, criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill passed in October was upheld as constitutional but has not yet been implemented. It will criminalize the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing the trafficking in women for sexual criminal activities. According to an NGO, trafficking in women does not receive much attention from organizations or the Government.

## ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with leaders of all political forces in Parliament. The current Parliament was elected in free and democratic elections in April 1996. The judiciary is independent, but critics complain that some judges are politicized.

The armed forces are under the control of the Ministry of Defense. Control over the Carabinieri, a military security force, was transferred in March from the Ministry of Interior to the Ministry of Defense; however, the Ministry of Interior retains authority over this force in matters of internal security. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. For several years, the army supported the police in Sicily and in the province of Naples, areas with high levels of organized crime. The army left Naples at the end of 1997 and Sicily in 1998 but was redeployed back to both locations for a short period in 1999, during which time special actions were in progress against organized crime. In September the Government sent an augmented force to Naples of 500 police and Carabinieri, some of whom wore military-style camouflage battle dress uniforms, to combat criminal violence in the city. Amnesty International (AI) reported numerous allegations that the police used excessive force against individuals, often Roma, refugees, and, increasingly, women, at the time of arrest and initial detention.

Italy has an advanced, industrialized market economy, and the standard of living is high. Small and midsize companies employ from 70 to 80 percent of the work force. Major products include machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization is moving forward at a measured pace.

The Government generally respects the human rights of its citizens, and the law and the judiciary generally provide effective means of dealing with instances of individual abuse; however, there were problems in some areas. There were isolated reports of police abuse of detainees; such accusations are investigated by the judiciary. Prisons are overcrowded. The pace of justice is slow, and perpetrators of some serious crimes avoid punishment due to trials that exceed the statute of limitations. Lengthy pretrial detention is a serious problem. The Government has taken steps to combat violence against women and child abuse; however, they remain problems. Societal discrimination against women and discrimination and sporadic violence against immigrants and other foreigners continue to be problems. Child labor, mainly involving immigrant children, persists in the underground economy but is investigated actively. Exploitation of clandestine immigrants is widespread. Trafficking in women and girls to the country for prostitution and forced labor is a growing problem, as is trafficking in children.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings by government officials.

On May 20, 1999, Massimo D'Antona, a senior adviser to the Minister of Labor, was shot and killed outside his home in Rome. The Red Brigades, a terrorist movement, claimed responsibility for the killing. A suspect detained by police in Rome in May subsequently was released, and the investigation continued at year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and cruel or degrading punishment; however, there were reports of isolated incidents in which police abused detainees. Amnesty International, the U.N. Human Rights Commission (UNHRC), the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assess the country's judicial and prison system. The nongovernmental organization (NGO) Antigone, which is composed mainly of lawyers, magistrates, and academics, promotes the rights of detainees, works closely with the European Commission for Prevention of Torture, and monitors the prison system.

According to a report issued by AI in June, there are numerous allegations of the deliberate use of excessive force against individuals detained in connection with common criminal offenses or in the course of identity checks. Allegations of mistreatment relate to the time of arrest and first 24 hours in custody and concern both citizens and foreigners, with an increasing number of women appearing as alleged victims. A high proportion of the allegations received by AI concern foreign nationals (many of them from Africa), as well as Roma. In a May letter to penal authorities, AI expressed concern over suits filed the previous month by inmates of the Sassari District Prison, who had been subjected to cruel and degrading punishment. In a separate communication, AI referred to allegations of mistreatment at newly established temporary detention centers for aliens (see Section 2.d.).

Overcrowded and antiquated prisons continue to be a problem. The prison system has a capacity of 35,000 but holds over 53,000 detainees, of whom 3,500 were added in 1999 alone. Older facilities tend to lack outdoor or exercise space, compounding the difficulties of close quarters. Approximately 54 percent of detainees are serving sentences; the other 46 percent consist mainly of persons awaiting trial or the outcome of an appeal. Nearly one in three pensioners has been jailed for a drug violation. One in four is an alien. Of drug users, almost 10 percent are HIV positive. Over 80 prisoners died while in jail in 1999; 53 committed suicide, with a reported 920 unsuccessful suicide attempts and some 6,500 acts of self-mutilation.

In the spring these conditions led to protests both by prisoners and guards. A 2-day guard strike in Sassari that left inmates without food or water led to a prisoner riot in March, which was followed by retaliation by prison guards in April. In early May, 82 Sassari guards and wardens were arrested in connection with the April abuses. These arrests provoked sympathy strikes and demonstrations by prison guards across the country, who protested their low pay, long hours, and the conditions of tension and risk under which they work. During the same period, prisoner protests broke out at several jails and the Parliament debated proposals for decriminalizing certain crimes, the shortening of sentences, alternative punishments to imprisonment, and the expulsion of non-EU nationals who are sentenced to prison terms. The Pope's call in June for a Jubilee-Year clemency increased the pressure on parliamentarians and raised prisoner expectations; however, proponents of such measures could not obtain the necessary two-thirds support in each chamber. The Government and opposition forces were unable to agree, and no action was taken by year's end.

The Government permits the independent monitoring of prison conditions by parliamentarians, local human rights groups, the media, and other organizations.

*d. Arbitrary Arrest, Detention, or Exile.*—Detainees are allowed prompt and regular access to lawyers of their choosing (although occasional lapses in this general rule have been alleged) and to family members. If detainees are indigent, the State provides a lawyer. Within 24 hours of being detained, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights, recommended that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest.

Preventive detention can be imposed only as a last resort, or if there is clear and convincing evidence of a serious offense, such as crimes involving the Mafia, or those related to drugs, arms, or subversion. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody can be imposed only for crimes punishable by a maximum sentence of not less than 4 years.

Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court.

There is no provision for bail, but judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial and rule whether continued detention is warranted. Persons in detention include not only those awaiting trial, but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). The Constitution and the law provide for restitution in cases of unjust detention.

The law prohibits punishment by internal exile or exile abroad.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary and the Government respects this provision in practice. The judiciary provides citizens with a fair judicial process.

There are three levels of courts. A 1998 law that aimed to restructure and expedite the judicial process established that a single judge would hear cases at the level of courts of first instance. Implementation of the measure's civil provisions began in June 1999, while changes in criminal proceedings took force in January. At the second level, separate courts hear appeals for civil and penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not a case's merit.

The law provides for trials to be fair and public, and the authorities observe these provisions. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors normally is made available to defendants and their attorneys. Defendants can appeal verdicts to the highest appellate court.

Both domestic and European institutions criticize the slow pace of justice in the country, which is due in part to cumbersome and frequently changing procedures, unclear or contradictory legal provisions, and an inadequate number of judges. In April the National Statistical Institute (ISTAT) reported that the average trial lasts 35 months; appeal procedures can add another 59 months. The length of trials varies by region; those in the north tend to be shorter than those in the south. The European Court of Human Rights noted the high number of complaints filed against the country in 1999 and the number of adverse decisions (44 of 120) that the court rendered. These decisions almost always centered on excessive trial delays. In June the Council of Europe's (COE) Committee of Ministers reiterated to the COE parliamentary assembly that excessive delays in the administration of justice constituted "an important danger, in particular for the respect of the rule of law." While noting that Italian authorities shared these concerns, the ministers observed that the trend in the number of new cases referred to the Court had not changed.

Excessive trial delay has also complicated the outcome of judicial processes involving "clean hands" investigations of corruption launched in 1991. Public prosecutors uncovered numerous instances of illegal arrangements between businessmen and political figures, including illicit financing of political parties, as well as ties between elected officials and organized crime. Over 1,300 persons were either convicted and sentenced or accepted plea bargains. Those sentenced to prison terms, generally for periods of 3 years, were able to benefit from a legal system that allows alternative punishment for persons whose sentences do not exceed 4 years. Thus few individuals served jail sentences as a result of the trials. The most sensational cases involved multiple accusations against two former prime ministers, Giulio Andreotti and Silvio Berlusconi. With regard to the latter, two cases ended at the appeals level (following lower court convictions) when judicial delays and maneuvers caused the trials to exceed the statute of limitations. Berlusconi won acquittals in two other appeals cases, however, as well as one at a lower court level, and cited these outcomes as vindication, signifying that the original charges had been an effort by elements in the judiciary to achieve political objectives through prosecutorial means. Milan's chief public prosecutor retorted that Berlusconi's criticisms were aimed at undermining the legitimacy of investigating magistrates. In the case of (now) senator-for-life Andreotti, prosecutors relied heavily in two separate trials on testimony by turncoat Mafia witnesses ("pentiti"). These trials ended with court criticisms of both the prosecution and defendant. The court stated that prosecutors failed to produce concrete evidence backing up vague and contradictory testimony by the pentiti. Other court observations, which asserted that Andreotti had lied at the trial, fell short of resolving doubts about his conduct.

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The law safeguards the privacy of the home, and the authorities respect this provision. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances. Violations are subject to legal sanctions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

However, courts are sensitive to criticism and impose fines for “defamation.” In May Member of Parliament Alessandra Mussolini was sued for \$600,000 (1.2 billion lire) by two judges on the highest appeals court. Mussolini had criticized as a “killer sentence,” a court ruling that failed to consider the pregnancy of a rape victim as an aggravating factor, warranting a heavier penalty. In July a court levied a \$27,000 (55 million lire) fine against weekly magazine Panorama for a 1997 article that defamed anti-Mafia prosecutors in Palermo.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Government does not restrict the right of peaceful assembly, including protests against government policies, except in cases where national security or public safety is at risk. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance.

Catholic Church authorities strongly opposed gay community plans to hold a world pride week in Rome during the first week in July, calling it a provocation and an affront to the Church’s Jubilee Year. However, the event was held, with the cooperation of national and municipal authorities.

While allowing general freedom of association, the Constitution and law prohibit clandestine associations, those that pursue political aims through force, that incite racial, ethnic or religious discrimination, or that advocate fascism. Professional associations organize and operate freely.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

Roman Catholicism is not the state religion but it is the dominant one, in the sense that most citizens were born and raised under Catholic principles, which form part of their culture. Roman Catholic religious instruction is offered in public schools as an optional subject. Students who do not opt to attend can elect to take an alternative course or, in some schools, have a free class period. A 1929 agreement between the Catholic Church and the Government, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. This privilege has led to charges of unconstitutional discrimination.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution and the Law provide for these rights, and the Government respects them in practice. Citizens who leave are ensured the right to return. The Constitution forbids deprivation of citizenship for political reasons. Parliament has not yet repealed the XIII transitory provision of the 1947 Constitution, which forbids male heirs of the former king, Umberto I of Savoy, from entering the country. For this reason, in December 1999, royal descendant Vittorio Emanuele IV filed a suit in the European Court of Human Rights in Strasbourg challenging the validity of this constitutional bar. In March the European Parliament voted against including a reference to the Savoy case in its human rights report.

Political asylum is obtained according to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the country still lacks a specific law on political asylum; such a law has been pending before Parliament since 1997. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It provides first asylum to refugees fleeing hostilities or natural disasters. Such refugees are granted temporary residence permits, which must be renewed periodically and do not ensure future permanent residence.

In 1999 the Ministry of Interior approved 912 asylum requests and disapproved some 12,000 others. (In 1998, 7,674 persons applied for asylum, of whom 1,045 were found eligible.) Nationals of Yugoslavia, Iraq, Turkey, and Iran accounted for over half of the approvals. An immigration law passed in February 1998 levies high fines and penalties for land, air, and sea carriers that board passengers without documentation. There is a huge influx, mainly by sea, of Albanians, Serbs, Kurds, North Africans, Chinese, Nigerians, and other West Africans, many of whom enter the country intending to transit to other member states of the European Union. In April

the Government approved a migration accord with Albania (similar to previous such accords with Tunisia and Morocco) aimed at promoting regular annual emigration of 5,000 Albanians. More aggressive coastal patrolling helped reduce illegal immigrant landings in the south. A total of 16,100 illegal immigrants landed in the first 7 months of the year, compared with 35,200 in the same period in 1999 (due largely to the conflict in Kosovo). Some 37,200 such entrants were repatriated over the first 7 months of the year, compared with 34,800 in 1999.

Most illegal migrants paid fees to smugglers; some risked death, as smugglers unloaded their human cargo at sea to avoid capture by patrol boats. Others were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see section 6.f.).

There were no reports of the forced expulsion of persons having a valid claim to refugee status.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There are no restrictions on women's participation in government and politics; however, few women hold elected office: women hold 4 of 24 cabinet positions, 24 of 325 Senate seats, and 69 of 630 seats in the Chamber of Deputies.

In October the Senate gave final approval to a constitutional change allowing an estimated 3.9 million Italians abroad to vote, and setting aside 12 seats in the 630-seat Chamber of Deputies and 6 in the 315-seat Senate to represent them. However, the law's implementation required administrative action that did not take place by year's end.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), religion, ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status. However, societal discrimination persists to some degree.

*Women.*—Violence against women remains a problem. A 1998 ISTAT survey (the first one nationwide) reported that at least 9.4 million women between the ages of 14 and 59 had experienced some form of sexual violence during their lives. The NGO Telefono Rosa which provides a hot line through which abused women can obtain legal, medical, and other assistance, reports that nearly half of all complaints it receives nationally involve physical violence, much of it at home.

Legislation to protect women from physical abuse, including by family members, was updated and strengthened in 1996. The revised law makes the prosecution of perpetrators of violence against women easier and shields women who have been objects of attack from publicity. The law treats spousal rape in the same manner as any other rape. Law enforcement and judicial authorities are not reluctant to bring perpetrators of violence against women to justice, but victims sometimes do not press charges due to fear, shame, or ignorance of the law. Telefono Rosa notes that the entry of more women into the police force has contributed greatly to an increased willingness of female victims of violence to cooperate with police. Acting on behalf of local government administrations, some 60 local women's associations maintain and run shelters for battered women.

In December 1999, the Labor Ministry and major trade union confederations agreed on a code of conduct regarding sexual harassment in the workplace. The code, which follows a 1991 EU recommendation, is to be attached to national sectoral labor contracts as they are negotiated. Telefono Rosa reports that previous ad hoc labor contract sexual harassment provisions have worked as a deterrent to workplace harassment both in the public and private sectors.

Trafficking in illegal immigrant women and girls for prostitution and forced labor is a growing problem (see Section 6.f.).

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services. Many NGO's actively and effectively promote women's rights. Most are affiliated with labor unions or political parties.

A number of government offices work to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman. In addition, there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors have limited resources with which to work. A decree approved in May requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule was designed to promote women's access to the higher echelons of public administration and is to apply in offices where women managers number less than a third of the total.

In February 1999, the European Union directive regulating night work for women was incorporated into the law, thus amending the 1977 law that had prohibited night shifts for women. With some exceptions (if pregnant, the mother of a child below 3 years of age, or the mother of a disabled person), women now are allowed to work at night. Liberal maternity leave, introduced to benefit women, adds to the cost of employing them, with the result that employers sometimes find it advantageous to hire men instead. A March law on parental leave, which grants mothers and fathers an equal right to take leave when a child is sick, is aimed at offering equal opportunity without penalizing women at work.

According to research conducted by Eurostat, the statistical office of the European Commission, women's salaries are 23.5 percent lower than men's for comparable work. They are underrepresented in many fields, such as management and the professions. According to a recent report based on ISTAT data, women account for 36 percent of the labor force, with yearly growth in female employment of 2 percent (compared with 0.2 percent for men). The National Council for Economy and Labor (CNEL) reported that in 1998, 3 percent of executives in large firms were women, a figure that rose to 5 percent in mid-size firms and 8 percent in small firms. In 1999 women occupied 19.1 percent of public offices, 11.3 percent of teaching positions, and 3.8 percent of media executive positions. Employed women are more likely to have a high school diploma (34.7 percent) than employed men (28.5 percent). The comparable figures for a university degree are 13.8 percent for women and 9.4 percent for men. Unemployment figures show that women still are lagging. In 1999 male unemployment was 9.6 percent, while female unemployment was 16.8 percent. Youth unemployment (ages 15 to 24) was 30.2 percent for men (53.5 in the south) and 39.0 percent for women (66.9 in the south).

*Children.*—The Government demonstrates a strong commitment to children's rights and welfare. As of academic year 1999–2000, schooling became compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum are allowed to shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which had been high.

Abuse of children is recognized as a societal problem; an estimated 90 percent of violence against minors is committed within their own families. Social workers counsel abused children and are authorized to take action to protect them. The NGO Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted on behalf of the Government by a private institute estimates the number of minors involved in cases of violence (including prostitution) to be 10,000 to 12,000. There are 1,880 to 2,500 minors who work as street prostitutes, of whom 1,500 to 2,300 were trafficked illegal immigrants (predominantly Albanians, other eastern Europeans, and some Nigerians), many of whom were forced into prostitution (see Section 6.f.). Social Service International (a domestic NGO) assists in repatriating unaccompanied immigrant minors.

Several laws and government programs enhance the protection available for minors. In 1996 minors offices staffed by trained police (often women) were established in police stations around the country to offer emergency help for minors and families in distress, as well as counsel in dealing with other government social and judicial entities. A 1997 law established an information gathering network to collect data on the condition of minors. A 1998 immigration law formalized an office in the Ministry of Social Affairs that protects the rights of unaccompanied immigrant minors. (In 1997 this office screened and authorized entry permits for nearly 48,000 minors and 3,000 accompanying adults.) In 1998 the Parliament enacted a law to combat pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (also see Section 6.f.). The law established a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

*People with Disabilities.*—In January a new law replaced previous legislation that forbade discrimination against disabled persons in employment, education, or the

provision of state services. The new law requires companies having 15 or more employees to hire one or more disabled workers: those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and, for larger companies 7 percent of the work force must consist of the disabled. Companies hiring the disabled are granted certain benefits, including lower social security contributions, while the cost of worker training is borne by the Government. The new law also provides for more severe sanctions against violators.

*National/Racial/Ethnic Minorities.*—Some traditional minorities, including French and German speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas (respectively the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia) include use of non-Italian languages in government offices and public schools in the former two.

Roma are another traditional minority, but without a specific geographic base. Of a national total of 115,000, some 70,000 are citizens—most of whom can trace ancestry in the country to the late fourteenth century. Most of these Roma live in the center and south, in conditions indistinguishable from those of other Italians. Roma in the north, whose numbers have swelled with the arrival of 40,000 immigrants from the former Yugoslavia, live in more precarious conditions. Although many municipalities are building permanent settlements, poor housing, limited employment prospects, and inadequate educational facilities remain problems. With limited income and job opportunities available, some turn to begging or petty crime, generating in turn repressive measures by police authorities. Roma communities complain that their language does not enjoy the same privileged status as that granted to minority languages in the autonomous regions.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace. The unions state that they represent between 35 and 40 percent of the work force. Trade unions are free of government controls and have no formal ties with political parties. The right to strike is embodied in the Constitution and is exercised frequently. In April following a period of multiple land, sea, and air transport sector strikes, a new law changed provisions of a 1990 measure that restricted strikes affecting essential public services (e.g., transport, sanitation, and health). The new law defined minimum service to be maintained during a strike as 50 percent of normal, with staffing by at least one-third the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations. Besides transport worker unions, the law also covers lawyers and selfemployed taxi drivers. In May a Transport Ministry regulation required all national labor contracts involving employment sectors covered by the law to adjust contract provisions to the new rules. These changes were backed by the three major national trade union confederations, which sought to avoid inconvenience to tourists and the traveling public alike during the Catholic Church's Jubilee Year.

Unions associate freely with international trade union organizations.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right of workers to organize and bargain collectively, and these rights are respected in practice. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation. The law prohibits discrimination by employers against union members and organizers. It requires employers that have more than 15 employees and who are found guilty of antiunion discrimination to reinstate any workers affected. In firms with less than 15 workers, an employer must provide the grounds for firing a union employee in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children, and generally it does not occur; however, some illegal immigrants and children were forced into prostitution (see Section 5), and trafficking in illegal immigrant women for prostitution and forced labor, as well as trafficking in illegal immigrant children, are problems (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law forbids the employment of children under age 15 (with some limited exceptions). There also are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21. The enforcement of minimum age laws is difficult in the extensive underground economy. Estimates of the number of child laborers differ, ranging from 30,000 to 300,000 children (the most probable figure may be in the area of 50,000). Most of these cases involve immi-

grants, but instances involving Italian children also have been reported. Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and especially China have entered in record numbers every year since 1989, and the influx from China is rising. According to the Carabinieri, an estimated 30,000 illegal Chinese work in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories, which face threats of infiltration or coercion by Chinese organized crime, are equipped with escape tunnels to thwart labor inspections. Carabinieri officers who work on child labor developed a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards.

The Government, employers associations, and unions continue their tripartite cooperation on child labor. Their periodic consultations, begun in 1997, cover such matters as better enforcement of school attendance regulations; programs to reduce the number of school dropouts; faster assistance for families in financial difficulty; further restrictions on exceptions to the minimum wage law; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Minister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries have established a code of conduct that prohibits the use of child labor in their international as well as national activities; the code is applicable to subcontractors as well. In 1999 a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor. The law forbids forced or bonded labor involving children, and the Government generally enforces this prohibition effectively; however, some illegal immigrant children were forced into prostitution (see Sections 5 and 6.c.), and some of them were trafficked (see Section 6.f.).

The Government ratified International Labor Organization (ILO) Convention 182 prohibiting the worst forms of child labor following completion of parliamentary action in May.

*e. Acceptable Conditions of Work.*—Minimum wages are not set by law, but by collective bargaining agreements on a sector by sector basis. These specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities or engagements, although this rarely happens in practice.

A 1997 law reduced the legal workweek from 48 hours to 40. Most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek is 39 hours but is actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, European Union directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor. They are few in number, given the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. The Workmen's Compensation Institute reports that there were a million accidents in 1999, involving 1,309 deaths. Accidents occur with the greatest frequency in the underground economy, which employs between 3.5 and 5 million workers. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

*f. Trafficking in Persons.*—Although the law does not address specifically trafficking in persons, it can be prosecuted through application of provisions of a 1958 law on prostitution and other articles of the Penal Code. Trafficking in women and girls for prostitution and forced labor is a growing problem.

Trafficking in women and girls for purposes of sexual exploitation involves vulnerable, illegal immigrants, most of whom come from Nigeria and Eastern Europe. The country is also a destination for trafficked women and girls. Varying estimates suggest that nearly 20,000 foreign women—from Albania, Nigeria, Romania, Moldavia, Ukraine, and other countries of Eastern Europe—are involved in prostitution, of whom some 1,500 (according to the social research institute Parsec) may be trafficked forcibly. For some, Italy is only a point of entry, and their ultimate destinations are elsewhere in Western or Northern Europe. Trafficking in children for sweatshop labor is a particular problem in Tuscany's expanding Chinese immigrant community, where children are considered to be part of the family "production unit" (see Section 6.d). The Chinese consulate in Florence cooperates with Carabinieri in persuading families to enroll their children in school.



The Ministry of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. Major lay and Catholic NGO's concerned with trafficking, among which Parsec and Caritas are the most active, cooperate with this body.

While most prostitution involves women fleeing economic destitution in their home countries, those who are trafficked forcibly are often unable or reluctant to contact the police for help. A 1998 immigration law, for which implementing regulations were completed in November 1999 and assistance programs established in February, provided temporary residence/work permits to such women who seek to escape their exploiters. The legislation permits a temporary stay for victimized women. During this time, victims are provided with shelter, benefits, and services such as counseling and medical assistance, in cooperation with NGO's. They also may be permitted to work or study. If the victim agrees to cooperate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. In July the Government set up a toll-free telephone number to help victims take advantage of this program and in its first month of operation received 7,000 calls for help. As a result of these and related policies, almost 750 women were able to benefit from these programs in their first weeks of operation, and significant increases in witness testimony and successful prosecution of traffickers were reported. In October the Ministry of the Interior hosted an international conference on trafficking in persons to focus attention on the issue.

In August 1998, a law was passed to combat abuses against children, including trafficking in children. The NGO, End Child Prostitution, Pornography and Trafficking (ECPAT), was a main advocate for this law, which criminalizes prostitution or pornography involving minors, even if committed abroad. In conjunction with other concerned NGO's, ECPAT has worked to ensure that police treat juvenile prostitutes as victims of trafficking, not criminals. In May ECPAT and components of the tourism industry (tour companies, travel agents, computer reservation system personnel, airline companies, airport authorities, and trade unions) initiated a voluntary code of conduct designed to impede sex tourism.

## KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. Previous presidential elections originally scheduled for 1996 did not take place, as President Nazarbayev's term in office was extended in a separate 1995 referendum, also marred by irregularities. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE).

A law passed in June would allow the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The 1995 Constitution limited Parliament's powers more than previously, notably by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. The judiciary remained under the control of the President and the executive branch. The lack of an independent judiciary made it difficult to root out governmental corruption, which was pervasive, although some corrupt officials were removed from office.

The Committee for National Security (the KNB, successor to the Soviet-era Committee on State Security (KGB)) is responsible for national security, intelligence, and counterintelligence. In practice it also plays a role in law enforcement. It also oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the Prime Minister and President. The Ministry of Internal Affairs (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. Both the KNB and the MVD police monitored government opponents, the opposition press, human rights monitors, and some nongovernmental organizations (NGO's), who claimed that KNB and MVD officials pressured them to limit

activities objectionable to the Government. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence. It has successfully privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents about 10 percent of gross domestic product (GDP), has been slower to reform since the Government has not established a legal basis for private land ownership. Official statistics indicate that the long fall in real wages after independence stopped in 1997. The average annual wage in 1999 was approximately \$1,180 (167,560 tenge). The average monthly nominal wage in 2000 was \$95.14 (13,521 tenge). Real wages grew 5.3 percent in 2000 over 1999 figures. According to government data, in the first 3 quarters of the year approximately 25.5 percent of the population had incomes below the "minimum subsistence level" of \$27 (3,969 tenge) per month, compared with 34.5 percent whose incomes were below the 1999 minimum subsistence level of \$24 (3,394 tenge) per month.

Rising oil prices in the second half of 1999 combined with the positive effects of an April 1999 decision to allow the currency to float helped the country to post GDP growth of 1.7 percent in 1999, after a 2.5 percent fall in GDP the previous year. GDP per capita also increased slightly to \$1066 (127,000 tenge). Inflation, which initially spiked after the currency fell following the April 1999 decision to float the currency, has been under control and was 9.8 percent in 2000. Real GDP grew by 9.5 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The Government severely limits citizens' right to change their government, and democratic institutions remain weak. The OSCE concluded that presidential elections in January 1999 fell far short of international standards, although it saw some improvement in the Parliamentary elections held later in the year. The Government barred two opposition politicians from competing in the presidential elections on administrative grounds and authorities harassed opposition candidates during both election campaigns. During the year, government officials began a series of conferences on electoral reform with opposition leaders and others under the auspices of the OSCE, although the Central Elections Commission moved to effect electoral commission changes before waiting for the conclusion of the conferences. The legal structure, including the Constitution adopted in 1995, does not fully safeguard human rights. Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody. President Nazarbayev spoke out against police use of torture, and there were a number of cases in which the Government pressed criminal charges against police accused of mistreating individuals in their custody. However, human rights monitors criticized the efforts as inadequate. Prison conditions remained harsh. The Government began a process of transferring authority over prisons from the MVD to the Justice Ministry, a step that human rights monitors had long sought, but the effect of this change could not be determined as of year's end. The Government on some occasions used arbitrary arrest and detention, and prolonged detention is a problem. The judiciary remains under the control of the President and the executive branch, and corruption is deeply rooted. The Government infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. The Government harassed much of the opposition media, and government efforts to restrain the independent media continued. Vague laws concerning the media, state secrets, libel, and national security increased pressure on the media to practice self-censorship. The Government introduced draft amendments to the Law on Media in October that, if enacted, would constitute a step backward for the independent media. However, the Government continued to issue new licenses for various types of media and, according to the Government, the number of media outlets increased. The Government continued to own some major printing and distribution facilities and to enjoy influence over those owned privately. Academic freedom is not respected. The Government imposes significant restrictions on freedom of assembly. At least two organizers of unsanctioned demonstrations were arrested and fined or imprisoned. The Government imposes significant restrictions on freedom of association, and complicated and cumbersome registration requirements hinder organizations and political parties. Some political parties increased their organizational activities successfully. The Government sometimes harasses those whom it regards as religious extremists. Domestic violence against women remained a serious problem. There was

discrimination against women, the disabled, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Workers continued to protest chronic nonpayment of wages. Child labor persists in agricultural areas. There was evidence of trafficking in women and in at least one case customs and border officials were under investigation for complicity in trafficking.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of politically motivated extrajudicial killings.

Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody.

In July 28-year-old Kairat Sabdenov, the son of an M.P., died from internal injuries that he sustained from a police beating in Kokshetau after he had been detained following a car accident. In December police charged the policeman who allegedly beat Sabdenov with murder. Five policemen were charged with improper performance of their duties and one from the Akmola Oblast MVD was relieved of his post for investigating the accident scene improperly.

Ivan Prokopenko died in a detention center in Aktobe on March 1. He had been arrested 2 months earlier on suspicion of having stolen \$250 (36,750 tenge) worth of wooden poles. Human rights monitors reported that a doctor who examined the body and the boy's parents saw evidence of brain trauma, burns, and cuts. The Aktobe city prosecutor found in October that Prokopenko had died from head injuries suffered when he slipped and fell, hitting his head on the concrete floor. The authorities indicated that their investigation had found no other injuries and they closed the case.

In April a man named Bekov died in a hospital from injuries he had said he sustained when police in Almaty detained and beat him. An official investigation was launched, but no further information was available at year's end.

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. At year's end, reportedly four police officers were awaiting trial charged with responsibility for his death.

On December 1, a District court fined Lieutenant Colonel Zhanteleyev 2 month's wages in the 1998 death of Yalkynzhan Yakupov, whose body was found hanging in the Chunjua District police station. However, the court dismissed the charges of abuse of power and illegal detention against the Colonel. Zhanteleyev was amnestied under the December 2000 general amnesty.

Reports indicate that deaths caused by military hazing persist. The Deputy Chief of the General Staff reported 17 cases of death due to mistreatment in the first 6 months of 1998. No statistics on the incidence of this form of mistreatment have been available since that time. However, there are some reports that military personnel engaging in hazing have been prosecuted, and the Government has begun a program to improve training of military forces on social and legal issues. (See Section 1.c.)

Harsh prison conditions led to the deaths of some persons in custody, many from disease (see Section 1.c.).

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution states that “no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;” however, police tortured, beat, and otherwise abused detainees, often in order to obtain confessions. Government officials acknowledged the seriousness of the problem and undertook some efforts to combat it. There were no reports of police beating protestors as they have done in earlier years. In a speech to law enforcement officials on April 19, President Nazarbayev criticized police use of an “arsenal of torture (that) can surprise the most extreme sadists.” President Nazarbayev referred in his speech to cases where law enforcement officials seared one detainee with a hot iron and poured cold water over another as he stood naked outside in cold weather. He said that the use of such tactics was “widespread.” Prosecutors brought criminal charges against 70 police officers for the unlawful use of violence against citizens during the year and disciplinary actions were taken against hundreds more. More than 20 Inte-

rior Ministry (MVD) employees reportedly were convicted on such charges. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often are supervised poorly.

Some of the instances of mistreatment occur in prisons, and the Government formally transferred authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to reduce such abuses. The actual transfer of authority will be implemented over a period of 2 years. In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. Together with the OSCE and Prison Reform International (PRI) the Government has undertaken training abroad for 15 instructors from this new institute to review penal policies, including human rights of prisoners.

On April 26, three teenagers widely believed to have been tortured in detention slit their throats in a Zhanatas courtroom after being sentenced to prison terms for fighting with police. One of the 3, 17-year-old Kairat Seidakhmetov, died from the self-inflicted injury. The Kazakhstan International Bureau for Human Rights (KIBHR) and independent television stations charged that police repeatedly tortured these 3 boys and the 17 other individuals charged in the same case. One reportedly suffered a concussion and two broken arms. Police reportedly cut the feet of another and stuck needles under the fingertips of detainees under interrogation. One female detainee charged that police repeatedly raped her. The detainees, some of whom confessed, reportedly had no access to lawyers. Reports of the mistreatment led to demonstrations in Zhanatas in February and again in April following Seidakhmetov's suicide. The July 4 edition of the official *Kazakhstanskaya Pravda* newspaper reported that the Chief of the Legal Bureau of the Presidential Administration visited Zhanatas to investigate the allegations of police torture. The head of the city police force was fired and other MVD employees reprimanded, but criminal charges brought against the policemen involved in the case were later dropped.

Almaty authorities brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in December 1999. A trial began in August but had not been concluded at year's end. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to President Nazarbayev. Law enforcement authorities claimed that Grishin never filed a complaint. Grishin said he filed a complaint with the Almaty city prosecutor's office in December 1999 and was subsequently interviewed by an Interior Ministry official in January. The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz whom they detained in July 1999. The authorities took no actions against police accused of beating a group of female hunger strikers in Aralsk in April 1999. Police closed investigations, without making arrests, into 1998 assaults against opposition activist Amirzhan Kosanov and a Kazakhstani employee of a foreign embassy. The latter assisted diplomats in making contacts with opposition and human rights figures. Police detained a suspect in connection with the 1998 assault against opposition activist Yelena Nikitenko but did not bring charges, according to official sources, because Nikitenko, who moved away from Kazakhstan, was unavailable to testify.

Six unidentified men assaulted Sergey Bondartsev, a youth organizer for the opposition Republican National People's Party (RNPK), in Almaty on April 9. Bondartsev suffered serious internal injuries that required two operations. At the time of the assault, Bondartsev was organizing a demonstration in support of opposition figure Madel Ismailov, who had earlier in the week been sentenced to a jail term (see Section I.d.). The demonstration did not take place. Law enforcement authorities made no arrests in the case, claiming that Bondartsev had never filed a complaint. Bondartsev asserted that he filed a complaint and that police from the Medeu district of Almaty interviewed him about the assault while he was in the hospital. The attack clearly appeared to have been premeditated.

MVD and other government officials participated in a September conference in Almaty on combating police use of torture that was organized by the OSCE, the KIBHR and the Government of Germany. They acknowledged that police use of torture and other abuses were widespread.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of a new antihazing policy in 1998, and the Government has taken action occasionally against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty. A military court in Zhambul region sentenced a sergeant to death by firing

squad in December. The court ruled the man was guilty of killing two persons and of desertion to avoid responsibility for beating up a soldier under him.

Prison conditions remained harsh and sometimes life-threatening due to inadequate resources. In 1998, 1,290 inmates, more than 1 percent of all prisoners, died from disease, mostly tuberculosis, aggravated by harsh and at times life-threatening prison conditions and inadequate medical treatment (see Section 1.c.). In 2000, 498 prisoners died in custody. More than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after release from prison. Government officials indicate that improved treatment undertaken in cooperation with the World Health Organization (WHO) has reduced the deaths from tuberculosis. In 1999, 384 prisoners died of the disease in custody and 409 were released on humanitarian grounds due to illness and died at home (see Section 1.c.).

Overcrowding, inadequate prison diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Government officials reported that 10,000, or 12 percent of all, prisoners suffered from tuberculosis. Government representatives assert that the incidence of tuberculosis is declining, in part as a result of cooperation with WHO to improve conditions for both prisoners and the civilian population. These figures do not differ significantly from figures provided by human rights observers. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintain that the prisoners were infected before being incarcerated. Experts believe, however, that many cases go unreported. Prison guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. Prisoners protested poor living conditions in prison through mass self-mutilation. According to the official press, 44 prisoners in Arkalyk reportedly cut open their abdomens on July 13. Some 57 prisoners in an Almaty Juvenile Detention Center cut open their abdomens and wrists on August 11. None of the prisoners died. The deputy head of the Arkalyk prison and the head and deputy head of the Almaty juvenile facility were fired as a result of these incidents.

According to the Interior Ministry, during the year there were approximately 80,000 prisoners in facilities designed to hold 60,000. A 1999 amnesty reduced the total prison population by about 15,000, but the population nearly returned to pre-amnesty levels within a year. The chief national prosecutor deplored overcrowded conditions in an Astana detention center he visited in March, noting that cells of 200 square feet contained 20 detainees each. He reportedly ordered the release of several of the detainees.

The Government followed up its 1999 general prison amnesty in December with a law to provide amnesty in the first 6 months of 2001 for 18,200 inmates, shorten the terms of an additional 2,500, and terminate approximately 3,000 pending criminal cases. The 1999 amnesty resulted in the release of over 15,000 prisoners. Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months. Juveniles are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD. Although the Government sometimes created obstacles for those who requested access to prisons, the KIBHR reported that its representatives sometimes, but not always, received authorization. The KIBHR visited men's, women's, and juveniles' prisons during the year. Prison experts from the OSCE visited prisons in Akmola and East Kazakhstan oblasts. Two international NGO's, the Dutch Interchurch Aid and Penal Reform International (PRI), accompanied KIBHR on prison visits in Pavlodar during the year. PRI also visited prisons for juveniles and women in Almaty. On September 6, the Minister of Justice announced that the Government had decided to transfer responsibility for prisons from the Ministry of the Interior to the Ministry of Justice. Human rights monitors had called for the change, which President Nazarbayev endorsed in a September 1 address to Parliament.

*d. Arbitrary Arrest, Detention, or Exile.*—The Government used minor infractions of the law frequently related to unsanctioned assembly to arrest and detain government opponents (see also Section 2.b.). On April 6, authorities in Almaty arrested, tried, and convicted labor movement leader Madel Ismailov for organizing an unsanctioned demonstration and for contempt of court. The Court sentenced Ismailov to 15 days in jail. Ismailov served a 1-year prison sentence in 1998–99 for publicly calling the President a “scoundrel.” The demonstration in question, a regular monthly pensioners’ protest over living conditions, took place on January 30. The contempt of court charge stemmed from Ismailov’s refusal to answer a summons to appear in court on April 5. Ismailov went to the courthouse on April 5 but

refused to enter when, he and press reports alleged, the authorities refused to allow his lawyer or supporters to enter with him.

A court in Almaty on April 24 sentenced two members of the opposition Republican National People's Party of Kazakhstan (RNPK), Pyotr Afanassenko and Satzhan Ibrayev, to 3<sup>o</sup> years in prison for a weapons offense. An appeals court upheld the convictions. Afanassenko and Ibrayev, former KNB officers, served as bodyguards to RNPK leader Akezhan Kazhegeldin. Although it appeared there could be a factual basis for the charges against Afanassenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was politically motivated. Some human rights observers also criticized the authorities for incarcerating Afanassenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

A member of the RNPK, film director Rashid Nugmanov, a long-time resident of France, was detained by customs and tax officials upon arriving on an international flight to Almaty on May 24 and summoned to appear before the tax police on May 25. His brother, Murat, an Almaty businessman, was also summoned by tax authorities on May 24. Details of the investigation were unclear. RNPK and human rights observers alleged that the investigation of Rashid Nugmanov was motivated politically.

The chief of the Almaty branch of the RNPK, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention is a serious problem. The General Prosecutor's office was reported in the official Russian-language newspaper *Kazakhstanskaya Pravda* as stating that law enforcement authorities held more than 7,000 persons in custody longer than legally allowed in 1998. Government officials have subsequently denied this, but no other statistics concerning the scale of this practice have been made available. Additionally, short (3-hour) and long (72-hour) detentions for "suspicion" are used widely.

A bail system exists, but government officials indicate that only 47 persons were released on bail in the first 8 months of the year (no figure for total detainees was available, but 28 persons were released on bail out of the 26,598 persons detained in the first 8 months of 1999).

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. This right generally is respected in practice. Human rights monitors allege that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, sometimes resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the prosecutor before trial, but in practice most persons refrain from making an appeal due to fear of reprisal for doing so. If the defendant cannot afford an attorney, the Constitution provides that the State must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government.

Almaty authorities detained well-known criminal defense lawyer Anatoly Ginzburg for 3 days in July after Ginzburg agreed to defend a man charged in a high-profile murder case. Ginzburg remained under investigation for allegedly stealing documents from the MVD in 1994, although no charges were filed. According to one press report, Ginzburg had been warned by "the authorities" not to defend Anatoly Adamov, the former deputy director of the national arms export agency, Kazspetsexport, in connection with the April 15 murder of Kazspetsexport director Talgat Ibrayev. Ginzburg and human rights monitors alleged that the authorities detained Ginzburg in order to dissuade him from defending Adamov. In July the Union of Lawyers of Kazakhstan sent an open letter to the heads of the national law enforcement agencies to protest the Ginzburg case and a "universal" pattern of abuse of the rights of criminal defense lawyers. The letter charged that law enforcement authorities infringe on the rights of lawyers to meet confidentially, and as often as necessary, with defendants; deny lawyers access to government buildings,

including the courts; search the lawyers' belongings when allowing them to enter; and surreptitiously record lawyers' conversations with clients. In response to the letter, the Coordinating Council of the National Law Enforcement Agencies, under the chairmanship of the Prosecutor General, passed a resolution in August calling on the agencies to abide by the law and, where necessary, to draft new statutes guaranteeing that lawyers can effectively do their work. However, a representative of the local lawyer's association maintained that the Government had not passed any statutes facilitating lawyers' work by year's end.

The Constitution prohibits forced exile, and the Government does not use it.

*e. Denial of Fair Public Trial.*—Government interference and pressure compromised the court system's independence throughout the year—a situation based largely on legislative, administrative and Constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the justice

tected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are to be conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected. However, cases involving government opponents frequently are closed. Labor movement leader Madel Ismailov alleged that the Medeu district court in Almaty refused to allow the public to observe an administrative trial against him in April (see Section 1.d.).

The problem of corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors or other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are poorly paid. According to the Minister of Interior, in 2000 the Government dismissed 613 MVD officers and initiated criminal proceedings against 105 for corruption related crimes. The Prosecutor General stated that 9 senior prosecutors, 8 district prosecutors and 3 department heads had been fired for similar offenses. The Ministries of Justice and Internal Affairs have received additional funding to increase salaries for law enforcement agents and judges. Human rights monitors allege that these government actions only scratch the surface of the problem. According to press and other accounts, judicial positions can be purchased.

There were no political prisoners. However, opposition and human rights activists charged that the prosecution and imprisonment of Pyotr Afanassenko and Satzhan Ibrayev was politically motivated (see Section 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Despite Constitutional protections, the Government infringed on these rights. The Constitution provides that citizens have the right to “confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages.” However, limitation of this right is allowed “in cases and according to procedures directly established by law.” The KNB and Ministry of Internal Affairs, with the concurrence of the general prosecutor’s office, can and do interfere with citizens’ privacy and correspondence. The Criminal Procedure Code allows the police and KNB to conduct searches or monitor telephone calls and mail without a warrant if they inform the General Prosecutor’s office within 24 hours of such activity. Some government opponents complained that the Government monitored their movements and telephone calls.

A central, state-run billing center for telecommunications services opened during the year. Few companies complied with government requirements to route their services through the center; those that did comply routed service only for the city of Almaty through the center. The Government presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly. NGO’s, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent. As of year’s end there was no effort to systematically block access to web sites. However, clients of the two largest Internet providers, Kazakhtelecom and Nursat, were blocked from direct access to the opposition Evrasia website from September 15 to October 15. They still could access the site through proxy servers. Users of other Internet services could access the site without difficulty.

A 1999 decree that would have required telecommunications companies to conform their equipment to KNB standards was repealed on May 22. Human rights monitors and many potentially affected companies had sharply criticized the decree.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and a 1999 press and media law provide for freedom of speech and of the press; however, the Government restricted these freedoms in practice. The Government harassed independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the Constitutional provision for free speech and prohibits censorship; however, the Government takes advantage of the law’s vague language effectively to restrict media freedom. For example the law prohibits the mass media from “undermining state security” or advocating “class, social, race, national, or religious superiority” or “a cult of cruelty and violence.” Under the law, owners, editors, distributors, and journalists can be held responsible for violations. The law also requires all media to register with the Government, but it does not set forth an appeals process, other than through the courts, if registration is denied. A vaguely written 1998 law on national security similarly restrains media freedom. It gives the Prosecutor General the authority to suspend the activity of news media that undermine national security. A 1999 state secrets law established a list of government



secrets the release of which is proscribed in the Criminal Code. Much of the information on the expansive list was vaguely defined and thereby likely to inspire media self-censorship. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also included all information about the health and private life of the President and his family. Also defined as state secrets was basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

In an April 19 speech to law enforcement officials, the President called for the verification of mass media compliance with the media and national security laws and how the media are financed. The President sharply criticized much of the national mass media, including the Khabar state television channel, which is operated by his eldest daughter. He accused Khabar of tendentious reporting; he accused other unnamed media outlets of "inciting national strife, insulting the dignity of the people, coming out against the Constitutional system (and) disparaging their country." Consistent with public assurances on April 24 by the Minister of Culture, Information, and Social Accord that the President's speech did not presage a crack-down on the media, government policy toward the media did not appear to change after the President's speech. However, human rights monitors charged that the tone of the President's speech reinforced a climate of media self-censorship and law enforcement harassment of the media. Nonetheless, new licenses for media of various forms continued to be issued and, according to the Government, the number of media outlets in the country increased.

In October the Government introduced draft amendments to the media law that would limit foreign media rebroadcasters to per cent of a station's total air time, hold media outlets responsible for the accuracy of foreign media they rebroadcast, and force websites to register as media outlets. Journalists and NGO's charged that the draft law would infringe freedom of speech.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. Although publications expressing views independent of the Government continued to publish, the Government took measures to punish publications that reported certain undesirable stories and harassed two publications that were affiliated with one of the opposition parties, measures taken with the evident intention of intimidating certain media critics. These actions and the resulting widespread belief that the Government was cracking down on independent media effectively resulted in widespread media self-censorship. In January a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension.

The key subject considered "off limits" by journalists was personal criticism of the President and his family. Most newspapers did not present the story, widely reported in the western press, about alleged American and Swiss investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers. However, *The Globe*, a small-circulation Russian-English bilingual newspaper based in Almaty, dedicated most of one edition to the subject. Law enforcement authorities visited the newspaper's office on the day the issue appeared, July 6, to summon its publisher for questioning. The visit appeared to be in response to the content of the July 6 edition, although government officials characterized the visit as a routine tax inspection. The *Globe* stopped printing for a month after refusing, its management claimed, to agree to a request from its government-owned publishing house to refrain from including such controversial material. About 1 month after resuming publication, the newspaper announced that the publishing house would no longer print the newspaper following inclusion of an article critical of the Prime Minister. However, the newspaper continued to publish, and no charges were brought against the publisher, who remained abroad.

The Government took steps that inhibited the publication and distribution of newspapers affiliated with the opposition. The tax police temporarily seized newspapers during investigations of various printing houses; they were later returned.

Government actions appeared to focus in particular on two newspapers associated with RNPk, the party of former Prime Minister Akezhan Kazhegeldin, Twenty-First Century (XXI VEK) and SolDat. Both newspapers had difficulty finding printing houses willing to publish them, resulting in several missed editions. Twenty-First Century finally purchased its own small printing machine but on December 27 unknown individuals allegedly broke into their offices and short-circuited the machine. Customs officials seized a run of Soldat newspaper when the editors tried to bring it across the border from Russia. These papers were also later returned. SolDat also attempted to print in the Kyrgyz Republic twice during the year, but both runs were confiscated by customs at the border. However, both newspapers continued to appear during the year.

The KNB reportedly was investigating SolDat and its editor in chief, Yermurat Bapi, in connection with a complaint that the newspaper insulted the honor and dignity of the President, an offense proscribed in the Criminal Code. The complaint arose from two articles in the newspaper's June 22 edition that reported corruption allegations against the President. The articles were purportedly reprints from Western publications.

In June a government-run publishing house refused to continue printing SolDat. The Ministry of Agriculture publishing house had been printing the newspaper for 8 months. The chief of the publishing house told journalists that he acted because the newspaper's editors failed to meet unspecified contractual obligations. The management of SolDat denied the charge. After SolDat subsequently began publishing in Russia, its management claimed that customs officials at a border crossing point near Semipalatinsk seized an entire print run of the newspaper on July 5. Editor in chief Bapi, who was transporting the newspapers, said that customs officials justified the action because Bapi misstated the number of newspaper bundles he was transporting. SolDat management publicly charged that officials seized the newspaper because it contained articles critical of President Nazarbayev on the occasion of his 60th birthday. Twenty-First Century continued to have difficulty finding printing houses willing to publish it, though it managed to circulate with inferior print quality. On April 27, the tax police in Almaty seized an entire print run of the newspaper at a publishing house because of alleged tax violations by the printer. Government authorities said that the seizure was directed at the printer, not the newspaper.

The independent newspaper Nachnyem's Ponedelnika, which specializes in investigative articles about government corruption, continued to face a number of defamation lawsuits, many from government officials. After finding in favor of a defamation suit brought by the association of judges, a court in Almaty ordered the seizure of the newspaper's assets, along with the personal assets of its founder and executive director, on May 24. Police confiscated the newspaper's print run, financial records, office equipment, and furniture, on the next day. In June a judge in Almaty fined Nachnyem's Ponedelnika \$350,000 (50 million tenge) for infringing on the name of another newspaper. The fine was reduced to \$2,000 (290,000 tenge) by an appeals court in July. Management of Nachnyem's Ponedelnika alleged that these and other lawsuits against it were politically motivated and that prosecutors, the tax police, and the mayor of Almaty were harassing the newspaper. Government officials denied they were conducting a campaign against the newspaper, and maintained that reckless allegations in the newspaper were responsible for the spate of civil law suits against it.

Government's influence over media outlets is extensive. According to government statistics, there were 1,258 mass media and information agencies in the country as of September 1, 76 percent of them privately owned. However the Government runs the newspapers that appear most frequently, five times a week, a number of privately owned media are believed to be controlled by members of the President's family, and many of those which are nominally independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, Kazakhstan Science, which is published by the Ministry of Science. Each major population center has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local administrations to use the majority of these. An

organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak.

On March 31, the independent Almaty television channel 31 fired Tatiana Deltsova, the chief editor of its nightly news program, under what the station president publicly alleged was a government threat to close the station. The reported cause of Deltsova's dismissal was an article that she presented March 30 about vandals' attacks earlier that day on the homes of three leading Government opponents (see Section 2.b.). Government officials reportedly had expressed their dissatisfaction previously with Deltsova's coverage of the opposition. At year's end, Deltsova was hosting a new news program on the television company TAN, an independent television station.

There were no reports, as there were in 1998, that the Government threatened not to renew broadcast licenses of outofavor independent stations. There were also no frequency auctions; many members of the independent media and human rights monitors believed that the Government used the auctions in the past to harass and even eliminate independent media.

During the campaign for the January 1999 presidential election, many members of the independent media reported Government pressure not to cover opposition candidates. Media coverage of the campaign for the October 1999 parliamentary elections was extensive and featured all candidates. A nationally televised 2 ° hour live debate on Khabar state television featured representatives of the nine registered parties that were participating in the party-list section of the vote. Despite these improvements over the presidential election, independent media around the country reported official pressure to give the majority of their parliamentary election coverage to the pro-presidential Otan party. They also reported that government authorities told them to limit coverage of, and to focus on negative news about, the RNPK and Azamat opposition parties, as well as the Orleu ("Progress") opposition movement. Some television editors claimed that they were told categorically not to cover certain opposition candidates. An RNPK candidate, Twenty-First Century newspaper editor Bigeldy Gabdullin, charged, correctly, that his free broadcast was not shown in his home constituency of Talgar.

The Constitution provides for the protection of the dignity of the President, and the law against insulting the President and other officials remained on the books. The 1999 media law did not control, as did the earlier media law, advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

Academic freedom is circumscribed. As is the case for journalists, academics cannot violate certain taboos, such as criticizing the President and his family. During the presidential election campaign of 1999, there were widespread credible reports that university and school administrators coerced faculty, students, and the parents of schoolchildren to sign nominating petitions for the reelection campaign of President Nazarbayev. Administrators reportedly pressured faculty to join the pro-presidential Otan party formed later in 1999. According to credible reports, authorities in Karaganda pressured the administration of the private Bolashak University to cancel a scheduled April 11 lecture by a leading critic of the Government, political scientist Nurbulat Masanov. An MVD officer was reportedly fired in April for allowing Masanov to deliver a lecture at the MVD senior officers school. Masanov was unemployed since faculty at the state Al-Farabi University in Almaty voted in 1998 not to renew his contract, allegedly over his political views. Unknown vandals attacked Masanov's apartment, as well as those of two other opposition activists, in March (see Section 2.b.). Course topics and content generally are subject to approval by university administrations. There were reports that university students in private as well as state universities sometimes had to pay bribes for admission and good grades.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions. The 1998 law on national security defined as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits. However, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. Officials in Almaty authorized a March 31 dem-

onstration in the center of the city by members of the opposition RNPk, although party members alleged that the authorities were complicit in allowing students from Interior Ministry and olympic-games training schools to disrupt the event.

In the early morning hours of the day preceding the demonstration, unknown persons vandalized the Almaty apartments of RNPk activists Nurbulat Masanov and Amirzhan Kosanov as well as of another well-known opposition figure, Seidakhmet Kuttykadam of the Orleu movement. The vandals cemented or jammed shut the apartment doors, cut electrical and telephone lines, painted threatening graffiti, and hurled a rock through a window into a bedroom where Kosanov's infant daughter was asleep. The three activists publicly charged that government agents working through the KNB were responsible for the crimes. Government officials denied the charge and suggested that the victims might have orchestrated the incidents to attract sympathy, a charge the activists denied. During the week following the incident, Kosanov received a series of messages threatening him and his family. Law enforcement investigations into the incidents were closed without arrests. On March 31, the President of Almaty's independent Television-Radio Channel 31 acting under what he said was government pressure, fired the station's news editor for including a report about the vandalism incidents on the nightly news (see Section 2.a.).

There were numerous peaceful, unsanctioned demonstrations by workers and pensioners protesting difficult economic conditions and the nonpayment of wages. For the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. In March a court in Astana sentenced a labor union leader to 24 hours in jail for organizing an unsanctioned demonstration by striking construction workers (see Section 6.a.). The authorities arrested well-known government opponent Madel Ismailov (see Section 1.d.), who took part in the longstanding monthly pensioners' demonstrations in Almaty; other participants were not arrested. On April 20, the city court of Ust-Kamenogorsk suspended the activities of the local chapter of the Pokoleniye pensioners' movement for 3 months, charging that the group systematically carried out unsanctioned demonstrations. On December 13, the Bostandyk district court of Almaty found Sakhib Zhanabayeva guilty of organizing an unsanctioned mass gathering and sentenced her to 5 days in jail. Zhanabayeva, an activist of the Kazakhstan Workers Movement, had taken part in a protest by pensioners on November 30.

The chief of the Almaty branch of the RNPk, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The RNPk claimed that it was denied access to hotels and other venues in Almaty in May and June. Allegedly the Government had told hotels and other venues in Almaty not to provide their premises for meetings of political parties or movements.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGOs, only register at the national level. Registration on the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition a registration fee of \$135 (19,845 tenge) is required, and most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy. This increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration.

The Constitution prohibits political parties established on a religious basis. The Government has refused to register ethnically based political parties on the grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. The Constitution bans "public associations"—including political parties—whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government registered 3 new parties in addition to the 10 registered to participate in the 1999 parliamentary elections. At least three parties registered in 1999 were widely viewed as opponents of President Nazarbayev. Under current law, a

party must submit a list of at least 3,000 members from a minimum of 9 oblasts. (The cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose.) The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the submission of such personal data to the Government is reminiscent of the tactics of the former Soviet KGB and inhibits them from joining parties. Under the law, members of unregistered parties may run for elected office as individuals but not as party members. The party affiliation of candidates does not appear on ballots for candidates in single-mandate parliamentary constituencies. Since the 1999 elections, 10 members of the lower house of Parliament (Majilis) are elected on the basis of proportional, party-list voting. Two registered opposition parties, Azamat and the RNPk, increased their organizational activities. They participated in training seminars, were active in public political debates, and held press conferences.

The Minister of Internal Affairs rescinded in October a directive that MVD claimed gave law enforcement officers the right to attend any meetings of political parties and NGO's. This claim, to which human rights monitors and opposition party leaders had strongly objected, had been upheld by the Supreme Court in July. Authorities had first asserted this claim when they brought charges against Bigeldy Gabdullin, a leading figure in the opposition RNPk, for obstructing the work of a state organ. The charges arose from a December 1999 incident in which Gabdullin insisted that a senior MVD officer leave a meeting of RNPk officials at the RNPk office in Almaty. An Almaty court convicted Gabdullin on January 25 and fined him \$35 (5,000 tenge). The conviction was upheld on appeal. The judge in the case said she based her decision on the presidential decree on the organization and conduct of peaceful meetings, rallies, pickets, and demonstrations, which authorizes law enforcement agents to attend certain public gatherings. However, Gabdullin's lawyer stressed that article 11 of the decree explicitly exempts indoor meetings of public associations, such as political parties, that are held in accordance with law and the group's charter.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the various denominations worship largely without government interference; however, the Government sometimes harasses Islamic and Christian groups whose members it regards as religious extremists. The Constitution defines the country as a "secular" state. The constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In general the Government does not interfere with the appointment of religious leaders or other activities of foreign religious associations, although foreign missionaries have encountered some visa problems.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status. Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Although religious organizations, unlike other nongovernmental organizations, are entitled by law to carry out their activities without government registration, in practice many local officials insisted that they register and in a few instances, disrupted services by unregistered groups. Registration requires an application submitted by at least 10 persons and is usually a quick and simple process. Some religious groups out of favor with the Government have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Korean Protestant groups, as well as Muslim groups independent of the Mufti (the national leader of Islam). Foreign missionaries require state accreditation. Witnesses reported continued difficulties with registration in Pavlodar, Osakarovka and Kzyl-Orda in 2000. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and still have no answer to their latest, September 9, application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, Kazakhstani law does not allow religious groups to engage in educating children without education ministry approval, and many religions include education in their charters.

A 1999 law on education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against religious schools over registration pending full imple-

mentation of the law. On December 19, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. Despite concerns about regional security threats from groups claiming a religious basis, the Government did not impose new legal restrictions on religious freedom. Draft restrictive amendments to the law on religion, withdrawn by the government in March 1999, were not reintroduced. However, the country's highest law enforcement officials called for toughening the religion law. The Procurator General of the Republic and the Interior Minister both called for prohibiting the activities of unregistered religious organizations. In February the Interior Minister publicly expressed his dissatisfaction with the presence of conservative Muslims in the country and criticized a local official for attending a stadium meeting of Jehovah's Witnesses. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service. The official Russian-language newspaper, *Kazakhstanskaya Pravda*, and the official television station, *Khabar*, present as objective news allegations that unregistered religious groups present a threat to national security and social cohesion.

The Ministry of Justice has requested that Jehovah's Witnesses amend their charter to eliminate education as a religious activity. However there were no reports that the Government shut down religious schools. Information on the number of such schools, if any, operating in Kazakhstan, was not available.

In September an education ministry official announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside Kazakhstan, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. The official said that the measure was intended to protect the country against religious extremism. It was unclear how the Government would implement the policy. The Government announced that several students studying in Pakistan, Iran, and Turkey would return voluntarily by year's end.

On June 26, the Third Congress of Muslims in Kazakhstan voted to appoint Absattar Derbisaliyev as the new mufti (spiritual chief) of the national Muslim organization. Senior government officials, including reportedly the Chief of the Presidential Administration and the Minister of Culture, Information, and Public Accord, took part in the Congress. Some Muslims alleged that the government officials engineered Derbisaliyev's appointment and the resignation of his predecessor. Derbisaliyev publicly denied that government officials present at the Congress influenced the votes of congress participants, arguing that they were not there when the voting was conducted.

Some local officials continued to maintain, contrary to law, that unregistered religious organizations could not conduct religious activities. Local KNB officials disrupted meetings in private homes of unregistered groups of Jehovah's Witnesses in Pavlodar, Osakarovka and Kyzl-Orda. In March the city prosecutor's office in Astana, the national capital, issued a written warning to a group of schismatic Baptists for not being registered. Earlier in the month, the head of the local Astana office of the Ministry of Culture, Information, and Social Accord visited the leader of the schismatic Baptists to recommend that the church alter its charter prohibition against seeking government registration and apply for registration. In September a Baptist congregation in Astrakhanka was ordered to close by the district court until it complied with registration requirements. Earlier, the pastor had been fined \$10 (1,500 tenge) for failing to register the church. In September KNB official confiscated Bibles and other literature from a prayer group in Kyzl-Orda and had not by year's end returned the documents despite the Prosecutor's order to do so. Law enforcement authorities in Akmola Oblast, the province that includes Astana, conducted regular inspections of religious organizations in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes.

Representatives of Jehovah's Witnesses alleged incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. In other cities, officials allowed the church to rent facilities for such gatherings. Church representatives alleged in March that the director of one facility in Almaty told them that city officials had given instructions not to rent space to Jehovah's Witnesses. A city official denied the allegation. Church representatives also alleged that the Prosecutor's Office in Kostenai requested information from the church about its clergymen, organizational structure,

and schools, and that in April documents of Jehovah's Witnesses congregations in Taraz and Abay were inspected. The church faced difficulties registering communities of church members in Petropavlovsk, where registration has been denied several times, and Aktau, although it ultimately was registered in Aktau. On June 7, local KNB and Interior Ministry officers, accompanied by local government officials, raided a prayer house belonging to a registered community of Jehovah's Witnesses in the village of Derbesek (South Kazakhstan Oblast). The officers confiscated religious literature and church correspondence. Church representatives complained to district and oblast KNB officials that the raid was illegal because the officers did not have a prosecutor's warrant. In response the director of the KNB department for South Kazakhstan Oblast wrote a letter confirming that no evidence of "illegal missionary activity" was discovered and that the local KNB officers who participated in the raid had been ordered to return the seized literature and correspondence, which they did at the end of June.

On occasion the authorities took action against groups engaged in proselytizing. In December, two female Jehovah's Witnesses were arrested and detained for one day for proselytizing in Talgar. The police confiscated their documents but returned them after three days. No charges were filed. On December 15, two Krishna Consciousness devotees were detained in Aktobe for selling Krishna books on the street. Police confiscated 20 books, but later released the women without charges. However, one Krishna leader reported that in most oblasts officials leave their followers alone. In July in Akshoki, near the Chinese border, members of a Baptist church reported that local KNB officials, police and clergy incited a crowd to threaten a group preaching Christianity and burn Christian literature. One member was severely beaten by a group of eight men who demanded he convert to Islam. Government officials declined to comment on this incident.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they had to list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Jehovah's Witnesses reported difficulties obtaining visas for foreign missionaries to visit Kazakhstan. Other missionaries are harassed by local officials regularly. On June 7, immigration officials at Almaty airport refused to admit an American missionary. The missionary, who held a valid visa, alleged that airport authorities did not give an explanation for his exclusion, saying only that the reasons were secret. The missionary suggested that his exclusion might have been related to problems that he had experienced 6 months earlier with customs officials in Russia, where he had performed religious work. He subsequently was denied a visa to return to Russia. Government officials subsequently confirmed the refusal to grant entry to the missionary and indicated that his name matched one on an immigration lookout list that had been circulated to members of the Commonwealth of Independent States (CIS).

Other foreign missionaries, unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by low-level government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Kazakhstan's small Jewish population continued to revive. Following the foundation of the Jewish Congress of Kazakhstan in December 1999, seven new synagogues opened during the year.

The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz who were detained and ultimately released in 1999. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Leaders of other faiths participated in some events, especially in Almaty. In December 1999, during a visit to the United States, the President presented to the Lubavitcher community documents relating to the father of the late Lubavitcher rabbi, Menachem Schneerson. Joint appearances by the Islamic mufti and the Orthodox archbishop, often in the presence of the President, were intended to promote religious and ethnic harmony. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the mufti, criticized the Government's inclusion of the mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state. Many also believe that the distinction

government officials sometimes make between “traditional” and “nontraditional” religions violated the fundamental standard of equality among religions.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for the right to emigrate and the right of repatriation; both are respected in practice. The Law on National Security prohibits persons who had access to state secrets through their work from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

According to the Constitution, everyone who is legally present in the country has the right to move freely on its territory and freely choose a place of residence except in cases stipulated by law. This provision formally abolished the “propiska” system of residence permits, a holdover from the Soviet era, which ended in 1991, and replaced it with a system of registration. However, in practice citizens still are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty due to its relative affluence and local officials’ fears of overcrowding. The Government can refuse to register a citizen, just as it did under the propiska system, in order to limit the number of persons who can move to a certain city or area.

There were no further reports of government efforts to restrict the movement of foreigners around the country. There were no further reports of foreigners being detained for entering restricted areas that were not clearly marked. Likewise, there were no further reports by foreigners that they were denied access or required to pay exorbitant entry fees to ostensibly free national parks. There were no reports that the authorities refused to approve the assignment of foreign aid workers to towns considered “sensitive,” as had been the case in earlier years. Internal visas are no longer required for foreigners traveling outside Almaty.

An exit visa is required for citizens who wish to travel abroad. Although refusals are rare in general, some opposition political figures encountered difficulties obtaining exit visas. The deputy chairman of the RNPK, Gaziz Aldamzharov, did not receive an exit visa for a trip he planned in February. He reported that immigration authorities told him that the visa could not be issued because of an unspecified criminal investigation against him. He ultimately received a visa after the dates of his intended travel. There have been reports of some officials demanding bribes for exit visas. It is usually necessary to meet a number of bureaucratic requirements before the exit visa is issued. A permanent exit visa is much more difficult to obtain. It requires criminal checks, documents from every creditor stating that the applicant has no outstanding debts and letters from any close relatives with a claim to support from intending emigrants giving their concurrence to the exit visa. In October the President and then-Minister of Internal Affairs announced their intention to eliminate the exit visa requirement for temporary visits or permanent residence abroad, but no action had been taken by year’s end.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local office of visas and registration (OVIR). Many foreigners complained that the process was bureaucratically cumbersome. Foreigners are no longer required to register in every city they visit. One registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally refused to allow foreigners without proof of registration to leave the country.

Authorities used the 1999 Law on State Secrets to justify confiscating the passport of Amirzhan Kosanov, an official of the opposition RNPK, as he tried to fly to the United Kingdom on November 25 (see Section 3). Kosanov, who had traveled abroad during the 3 years between his departure from government service and full implementation of the state secrets law, said that he had a valid exit visa and U.K. entry visa for the November trip. Almaty migration police in October had tried to seize Kosanov’s passport. The Government alleged that Kosanov had access to state secrets when he served as press secretary to former Prime Minister Akezhan Kazhegeldin, the leader of the RNPK; that Kosanov had refused to sign a standard non-disclosure agreement and follow other simple procedures prescribed by the law; and that other former officials with knowledge of sensitive information had been allowed to travel after complying with the procedures. The Government is not known to have used the Law on State Secrets to block the foreign travel of any other former officials since the law’s passage in 1999.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin’s era and wish to return. Kazakhs in this category are entitled, in principle, to citizenship and many other privileges. Anyone else, including



ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return, if they wish.

The Government usually cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government did not pass implementing legislation for the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work.

Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the UNHCR. The Government in most cases allowed UNHCR access to detained foreigners. Ethnic Kazakh migrants are automatically eligible for citizenship, although the Government has granted citizenship to only about 10 percent of the 191,000 Kazakh migrants. Migrants from other CIS countries are not considered to be refugees as they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations. Only the President can grant political asylum; he is known to have done so only once since independence in 1991.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. However, the limited resources of the agency impeded the processing of many cases. Asylum claims were processed only in Almaty, which is as far as 2,000 miles from other major Kazakhstani cities. The Agency for Migration and the courts took a restrictive approach to many asylum claims, apparently out of a desire to limit the number of refugees. The Government's desire to control the size of the refugee population appeared to be motivated by the country's difficult economic situation and national security concerns stemming from the national origins of many asylum seekers. The UNHCR estimated that there were approximately 18,000 refugees in the country (at least 10,000 Chechens from Russia and about 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). There was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize the Chechens as refugees. However, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. By September the Government registered 1,211 asylum seekers and accorded refugee status to about two-thirds of them. The Government continues to give priority to the return of ethnic Kazakhs in order to increase the percentage of Kazakhs in the overall population and to offset the large-scale emigration of ethnic Russians and Germans. Since independence approximately 190,000 ethnic Kazakhs, mostly from other CIS countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings. The problem of integrating the Kazakh migrants was compounded by the inability of about 90 percent of them to obtain Kazakhstani citizenship, to which theoretically they are entitled by law. Without citizenship, the migrants do not have clear rights to own property, open businesses, or conduct other legal transactions.

Agreements between Kazakhstan and Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned about the impact of this agreement on Uyghurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uyghurs; it was unclear whether any Uyghurs applied. In general the Government was tolerant toward the Chinese Uyghur population. There were no known cases of the Government returning Uyghurs to China since February 1999, when the Government returned three Uyghurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three

men were subsequently executed upon return to China, but this information has not been confirmed.

There were no reports that the Government forcibly repatriated refugees in the period covered by this report to any country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides for a democratic government; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. Modifying or amending the Constitution is nearly impossible without the consent of the president. President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. He extended his previous term of office via a deeply flawed 1995 referendum without a contested presidential election (which, according to the Constitution then in force, should have been held in 1996).

The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. If Parliament does not act within 30 days on bills the President designates as urgent, the President can issue the bills as decrees with the force of law. He appoints judges, senior court officials, and all regional governors. He directly appointed the chairman and members of the Central Elections Commission (CEC) who oversaw the most recent presidential and parliamentary elections in 1999. In accordance with the Constitution, the lower house of Parliament (Majilis) confirmed the CEC chairman and members nominated by the President in May.

President Nazarbayev won his current term in office in a 1999 election held nearly 2 years earlier than previously scheduled. The previous October, the President and the Parliament passed in 1 day, without any prior public notice, a series of 19 constitutional amendments that enabled them 1 day later to call the early presidential election. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (President Nazarbayev would be 65 year of age before the end of his current 7-year presidential term.) The Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the lower house (Majilis) and from 4 to 6 years for the Senate. Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the presidential ballot. Candidates were required to submit petitions with approximately 170,000 signatures collected in equal proportions from at least 11 of the country's 16 regions (the 14 oblasts plus the cities of Almaty and Astana). They also were required to pass a Kazakh-language test and to make a nonrefundable payment of 1,000 times the minimum monthly wage (approximately \$30,000), although an equal sum was then provided to each registered candidate for campaign expenses. Although three candidates, in addition to President Nazarbayev, qualified for the ballot, two of them, then-Senator Engels Gabassov and then-Customs Committee chairman Gani Kasymov, were known as supporters of the President and widely believed to be running at government behest.

In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. A district court in Almaty summoned on less than 24 hours' notice 5 leading government opponents—former Prime Minister Akezhan Kazhegeldin, former Social Democratic party leader Dos Kushim, Pokoleniye Pensioners Movement leader Irina Savostina, Azamat movement co-chairman Petr Svoik, and Tabigat ecological movement leader Mels Yeleusizov—to face charges of participating in the October 1998 meeting of an unregistered organization called For Fair Elections. The court convicted all five. Despite the judgment against him, Kazhegeldin, the most widely known opposition figure, applied for registration as a candidate in the presidential election. The presidentially appointed CEC disqualified his candidacy under the provision of the presidential decree on elections that then served as the election law. The Supreme Court upheld the disqualification. The CEC also used the election law provision to disqualify the presidential candidacy of Amantai Asylbek, leader of the Attan anti-nuclear testing movement, because of a 3-day jail sentence that he received in February 1998 for participating in an unsanctioned demonstration.

The Government harassed President Nazarbayev's opponents throughout the presidential election campaign. According to credible reports, government agents repeatedly pressured managers of conference facilities to deny access at the last moment to government opponents who had arranged to use the facilities for meetings and press conferences. When opposition meetings and press conferences did take place, electricity at the facilities often was interrupted. Government attempts to disrupt opposition meetings appeared to have extended beyond national borders when the management of a Moscow hotel withdrew permission at the last moment for a December 1998 opposition congress. Communist Party leader Serykbolsyn Abdildin, the only candidate from the ranks of the preelection opposition who qualified for the presidential ballot, publicly complained that local officials loyal to the President impeded his attempts to hold campaign rallies and meetings. As recently as November, authorities used the State Secrets Law to confiscate the passport of RPNK official Amirzhan Kosanov as he tried to travel to the United Kingdom (see Section 2.d.).

Assaults on two of Kazhegeldin's advisers appeared to have been politically motivated and, government critics charged, sanctioned by the Government. In addition, Kazhegeldin claimed that two gunshots were fired at him on the eve of the press conference at which he announced his presidential candidacy. Unknown assailants beat one of his public relations advisers, Yelena Nikitenko (see Section 1.c.) and beat his press spokesman, Amirzhan Kosanov. Several days before the attack, officials of the al-Farabi National University in Almaty forced Nikitenko to resign from the faculty because of her political activities. Government officials alleged that the Kazhegeldin campaign staged or invented all three attacks. Following the announcement of Kazhegeldin's candidacy, the then first deputy chairman of the KNB held an unprecedented press conference at which he made admittedly unsubstantiated allegations of financial malfeasance against Kazhegeldin. The tax authorities brought an action against Kazhegeldin during the campaign and, according to credible reports, threatened actions against other government opponents. At a news conference, Kazhegeldin supporters showed videotape of police repeatedly pulling over Kazhegeldin's car for unspecified "inspections." Kazhegeldin also claimed that border control officials at the Almaty airport tried to prevent him and his family from taking a flight out of the country. An attack on a Kazakhstani employee of a foreign embassy also appeared to be motivated politically and, human rights observers believe, sanctioned by the Government. In December 1998, three men beat the employee outside his apartment as the employee returned home. The employee suffered a cracked rib, some internal injuries, and required stitches to close wounds near both eyes. The attackers stole the employee's briefcase but did not try to steal his wallet and other valuables. The absence of robbery as a motive and the fact that the employee's responsibilities included assisting diplomats in making contacts with political opposition and human rights figures suggested that the attack was motivated politically. Law enforcement authorities closed the investigations into all of these cases without arrests. A suspect was identified in the Nikitenko case but no charges were brought, allegedly because Nikitenko had left the country and was unavailable to identify her assailant.

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE announced in December 1998 that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process. The assessment team concluded that the presidential election fell "far short" of Kazakhstan's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). As before the other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members 32 of whom are elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. (The number of senate seats was reduced from 42 in accordance with the Government's 1997 decision to reduce the number of oblasts from 19 to 14. Each oblast elects two senators, as do the cities of Almaty and Astana.) Elections were held in September 1999 for 16 Senate seats. The May 1999 election

law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage (approximately \$50070,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The election law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The Constitution states that participation in elections is voluntary. One of the Constitutional amendments passed in October 1998 rescinded the requirement that at least 50 percent of eligible voters participate in order to make an election valid. Experts had cited the old requirement as one of the causes of fraud and vote inflation in past elections.

The legislature exercises little oversight over the executive branch, although it has the Constitutional authority to remove government ministers and vote no-confidence in the Government. The Constitution and other arrangements allow the executive branch to dominate the legislature. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. The executive branch used this authority to block legislation drafted by Members of Parliament. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which largely is controlled by the President (see Section 1.e.).

The introduction, for the 1999 parliamentary elections, of 10 new seats in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communists, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—divided the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible. (They were the only two candidates rejected of more than 600 applicants for Majilis contests.) Of the more than 600 other candidates, about half who won ran as independents. Many of them were former government officials with strong presumed sympathy for the progovernment parties.

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. The Parliament invited nongovernmental representatives to observe at least four meetings. Many draft bills were held closely and published in the press only after passage and signature by the President. In 2000 the Parliament became more open by publishing important draft laws (for example, the tax code) and by meeting with NGO's on others (for example, the local self-government law).

Although an improvement in many ways over the most recent presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness about vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments." The OSCE also expressed concern that parliamentary runoff races were conducted just 2 weeks after first-round voting, which left no time for the CEC and the courts to act on hundreds of complaints filed about the conduct of first-round voting and the campaign.

The May 1999 election law replaced a presidential decree that had served as the election law. It lowered candidate registration fees by 75 percent but failed to cor-

rect other deficiencies of the decree it replaced. The law maintained a system of territorial, district, and precinct electoral commissions subject to regional and local government authorities, who recommend commission members. It failed to incorporate suggestions for creating a more open vote tabulation process. It also maintained more than 40 administrative provisions that bar candidates convicted of administrative offenses from running for office for a year, although one offense was eliminated from the list of disqualifying offenses.

The CEC issued regulations to ameliorate some of these deficiencies in time for the parliamentary elections, but the effects were limited. For example the CEC filled vacant seats on electoral commissions by lottery among all registered political parties. However, the initiative affected only 25 percent of commissions and was limited to 1 seat per commission, each of which usually consists of 7 members. Regulations that clarified the rights of election observers significantly improved the ability of observers to monitor vote counts at the precinct level. However, observers could not, in the end, use the information they obtained to corroborate or challenge official results. The CEC ultimately released comprehensive precinct- and district-level vote tallies for only 1 of 67 single-mandate districts, despite repeated requests from the OSCE and other observers. With the exception of the one district for which comprehensive results were released, the CEC never issued the order of finish or final totals for Majilis candidates who neither won nor qualified for a run-off.

The Government, prior to the 1999 parliamentary elections, removed participation in the activities of an unregistered organization from the list of administrative offenses that potentially could disqualify candidates for public office. However, more than 40 other administrative offenses remained on the list. Among these offenses were participation in unsanctioned demonstrations or rallies, an offense that the Government has used to charge its opponents (see Section 2.b.). The Government presented rescission of the administrative offense as a measure to enable the five opposition leaders convicted of participating in the For Fair Elections meeting to run for Parliament. Two of the five successfully registered as candidates. However, the CEC declined to register Akezhan Kazhegeldin due to a December 1998 administrative conviction for contempt of court. The conviction arose from Kazhegeldin's failure to respond in person to the For Fair Elections charge. (Kazhegeldin argued at the time that he met the law's requirements by sending his attorney.) The chairperson of the CEC publicly encouraged Kazhegeldin to seek the overturn of his contempt of court conviction 1 week before the registration deadline for the parliamentary elections. A successful appeal by Kazhegeldin would have made him eligible, according to the CEC, to run in the parliamentary election. Kazhegeldin subsequently wrote to the Supreme Court requesting that it overturn his contempt conviction, but the court ruled that his letter did not constitute a proper legal appeal.

Within a day of the CEC exclusion of Kazhegeldin's candidacy, Russian authorities detained Kazhegeldin on a pre-existing warrant issued 2 months earlier by the Prosecutor General of Kazakhstan. The Government requested the extradition of Kazhegeldin, who was living in exile, in connection with allegations that he had laundered illicit funds received while serving as Prime Minister from 1994 to 1997. Following protests from international human rights groups, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin. In July Kazhegeldin was detained again in Italy on charges of corruption, pursuant to an Interpol warrant posted by Kazakhstan. Italian authorities released him shortly thereafter. The investigation of Kazhegeldin, while possibly grounded in facts, appeared motivated politically.

The CEC barred the 1999 parliamentary candidacy of Madel Ismailov because of his February 1998 criminal conviction for insulting the President (see Section 1.d.). Ismailov had sought to register as a candidate on the RNPk party list. The election law precludes candidates convicted of criminal offenses from running for office for 3 years following their convictions.

A flawed provision in the electoral law was used to disqualify from the 1999 parliamentary election another RNPk candidate, deputy party chairman Gaziz Aldamzharov, after he apparently received a majority of votes in an election in Atyrau. The CEC annulled the second round of the Atyrau election, as well as two other second-round elections, but gave no specific reason in its official decree. The electoral law precludes all candidates who participated in an invalidated election from running in a make-up election, regardless of who was responsible for the violations that led to invalidating the election. The CEC interpreted this provision to exclude from the 3 rerun elections all of the approximately 500 candidates who ran unsuccessfully for any Majilis seat in 1999. Although the CEC did not formally specify the reason for invalidating the Atyrau election, the CEC chairperson said in a television interview that district and precinct electoral officials in Atyrau refused to certify protocols after a series of disturbances that the chairperson attributed to

the "opposition." These disturbances included alleged bomb threats, alleged falsification of ballots, and the incursion into one polling station of four masked men who opened and overturned ballot boxes. Given widespread expectations that Aldamzharov would receive a majority of votes in Atyray, unsubstantiated CEC allegations that the "opposition" disrupted voting in Atyrau appeared contrived.

There were widespread, documented allegations that regional and local executive authorities (akims) interfered with the parliamentary elections during the campaign and in the voting process. In one case, the chief election commissioner for the Ili district (Almaty Oblast) resigned because, he alleged, the district akim ordered him to deliver a victory for the akim's favored candidate. The commissioner, like most election officials a government employee, offered to resign from his full-time government job in addition to his electoral responsibilities. A significant number of complaints filed in several regions indicated that akimats and, through them, other employers threatened supporters of opposition candidates with job loss. In one such case, the akimat of the capital city, Astana, allegedly threatened to fire more than 20 government employees for their support of a nonfavored candidate. There were also reports that tax inspectors and some KNB officials intimidated opposition candidates, their supporters, and the independent media. Akimats used government personnel and other resources, including office space, to support "favored" candidates and to distribute campaign literature for the propresidential Otan party. On first- and second-round voting days, international and domestic observers found akimat representatives "supervising" the work of putatively independent precinct electoral commissions in numerous locations throughout the country.

The failure of the CEC to release most precinct- and district- level vote tallies undermined the credibility of election results. Evidence of official vote tampering in many districts exacerbated this problem. The OSCE observation mission obtained copies of flagrantly falsified protocols (reports of official results). During the first round of voting OSCE observers found multiple vote protocols prepared in one Almaty polling station. OSCE and domestic observers reported that precinct officials frequently did not use official protocol forms to record results in the presence of observers or filled out the official forms in pencil. District election officials, especially in first-round elections, generally refused to allow observers to witness the tabulation of results from various polling stations. Observers' access to district vote tabulations improved in the second round of voting after the CEC issued new instructions for preparing protocols and instructed district officials to cooperate with observers. Nevertheless, the district election commission in Atyrau refused initially to allow OSCE observers into the district commission office. District officials ultimately allowed the observers into their office but subsequently recommended that they leave because the commission "could not assure the (observers') safety."

Government officials said that President Nazarbayev took disciplinary actions against some local officials for interfering with the parliamentary elections but this could not be confirmed; the Government did not release any details such as the names of the officials, their offenses, or punishment.

In February a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections. Government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO's. After some delays, the first of four planned sessions took place on September 2 in Astana. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. The remaining sessions were scheduled for 2001; the leading opposition parties and movements took part, as did approximately 15 Members of Parliament from across the political spectrum. The CEC and representatives of the Ministries of Foreign Affairs, Justice, and Culture, Information, and Public Access also took part. Shortly after the September session, and with only a few days' notice, the CEC announced that it would organize new regional and local electoral commissions without waiting for the issue to be discussed in subsequent sessions. The CEC said it had to act because the terms of the previous commissions were expiring. Other roundtable participants criticized the CEC for failing to discuss its plans to reconstitute the commissions or to give political parties more notice that they would be invited to nominate candidates.

The Constitution and laws significantly constrain the independence of the judiciary (see Section 1.e.). A Constitutional Council replaced the Constitutional Court in August 1995 when the new Constitution was adopted. The President appoints three of its seven members, including the chairman. A two-thirds majority of the Council is required to overrule a presidential veto. All judges below the level of the Supreme

Court are appointed directly by the President. The President's nominees for the Supreme Court are subject to Senate confirmation.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. All adult citizens (at least 18 years of age) have the right to vote. Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women and minorities in politics, but the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and several deputy ministers were women. There were no female provincial governors (akims). Of 39 Senate members, 5 are women; of 77 Majilis members, 8 are women.

Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the national bank. Non-Kazakhs also are underrepresented in the Majilis and the Senate. In Parliament 8 of 39 senators are non-Kazakhs, and 19 of 77 members of the Majilis are non-Kazakhs.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local human rights organizations. They cooperate on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Law enforcement investigators closed an investigation into a November 1999 fire that destroyed the main office and archives of the Bureau for Human Rights in Almaty. The Almaty fire department concluded that arson was the probable cause of the fire. It absolved the organization from potential civil liability for the fire. However, investigators identified no suspects and made no arrests. Some human rights observers complained that the Government monitored their movements and telephone calls.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered; however, some continue to operate without legal standing. An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO's played an apparently unprecedented role in government consideration of draft local government laws. After successfully delaying passage of what was widely viewed as flawed legislation on this subject early in the year, the coalition successfully lobbied Parliament to publish the draft. That draft was withdrawn in December for revision. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee. Others believe that they were not eligible to register because they promoted the interests of one ethnic group or religion and are considered by some to violate the constitutional ban on inciting social, racial, national, religious, class, and tribal enmity. The new Criminal Code that took effect in 1998 criminalized the activity of NGO's that are not registered. In 1998 five leading opposition figures were convicted for participating in a meeting of an unregistered NGO, the For Fair Elections group (see Section 3).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization, the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization on Migration, and the OSCE have permanent offices in the country. The Constitution forbids "the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations."

The Presidential Commission on Human Rights is a consultative body. It prepares annual reports to the President that can be released to the public only with the President's consent. At the end of 1998, the Commission made public its annual report to the President for the first and only time by publishing an expurgated version of its report for 1997. The report focused almost exclusively on "economic and social rights," for example, the right to a decent standard of living. It concluded that the

country consistently abides by human rights principles and suggested that those who blame the Government for social problems should realize that individual well-being ultimately is the responsibility of the individual. The Commission reached out to independent human rights organizations but made little progress in establishing itself as an Ombudsman. In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption but tended to deny or downplay charges of abuses of civil liberties and political rights. In general the Government tended to deny or ignore charges of specific human rights abuses that were levied by human rights monitors and individual citizens. In its report to the President for 1997, the Commission charged that many domestic NGO's are oriented towards developed countries' standards and do not realize that progress towards a market economy and civil society is a slow, gradual process. It said that NGO's sympathetic to "left-wing radicals" have nothing constructive to offer.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances." However, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

*Women.*—According to human rights groups, there is considerable domestic violence against women. A local NGO, the Feminist League, estimates that hundreds of thousands of women are the victims of spousal abuse. The Interior Ministry reported that family members or domestic partners were responsible for about one-third of the nearly 8,500 crimes against women registered in the first half of 1999. During the same period, 81 women were killed by family members. The Feminist League reported that the levels of domestic violence remained approximately the same in 2000. Karaganda oblast reported 3,060 crimes against women in the first 6 months of 2000, including 33 murders and 53 rapes. Almaty police reported 49 murders, 134, rapes and 936 assaults against women during the first nine months of the year. There was no information on the percentage of these crimes successfully prosecuted, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. However, new domestic violence units opened during the year within the Almaty and Astana police departments. A women's crisis center in Almaty maintains that the Almaty police are very effective when there is a complaint. However, the police cannot detain a person legally for more than 72 hours if the victim refuses to provide a written complaint. In most cases, women refuse to follow through with charges. The maximum sentence for wife beating is 3 years, but few such cases are prosecuted. A government commission on women and family continued to draw attention to the issue of domestic violence. Law enforcement authorities reported that 288 persons were convicted of rape in the first 8 months of 1999, although the total number of reported rapes was unavailable. Under the Criminal Procedure Code, prosecutors can initiate a rape case, absent aggravating circumstances such as gang rape, only upon the application of the victim. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. The punishment for rape can range from 3 to 15 years' imprisonment. There is very little reporting on rape in the press. There is no law specifically against spousal rape, which is proscribed under general rape laws.

Trafficking in women is a serious problem (see Section 6.f.).

There is no legal discrimination against women, but traditional cultural practices limit their role in everyday society and in owning and managing businesses or real property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures. Women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education. Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide



loans to female entrepreneurs. However, as of year's end, the fund had not distributed any loans.

*Children.*—The Government is committed in principle to children's rights, but as in many other areas, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through the 11th grade, although students may begin technical training after the 9th grade. Secondary education is both free and universal. Kazakhstani law provides for equal access to education by both boys and girls. There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

*People with Disabilities.*—Citizens with disabilities are entitled by law to assistance from the State. There is no legal discrimination against the disabled, but in practice, employers do not give them equal consideration. There are laws mandating the provision of accessibility to public buildings and commercial establishments for the disabled, but the Government does not enforce these laws. However, improvements to facilitate access are not uncommon in Almaty and Astana. Assisting disabled persons is a low priority for the Government. Mentally ill and mentally retarded citizens can be committed to institutions run by the State. These institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

*National/Racial/Ethnic Minorities.*—According to results of the 1999 census, the population of about 15 million consists of approximately 50 percent Kazakhs and 33 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks (2.5 percent), and Germans (2.4 percent).

The Government continued to discriminate in favor of ethnic Kazakhs in government employment, where ethnic Kazakhs predominate, as well as in education, housing, and other areas. However, the Government has largely abandoned the explicit "Kazakhification" campaign of the 1st year of independence (1991-1992). President Nazarbayev has emphasized publicly that all nationalities are welcome. Nonetheless, many non-Kazakhs are anxious about what they perceive as expanding preferences for ethnic Kazakhs. Many ethnic Kazakhs believe that such preferences are needed to reverse 200 years of discrimination against their community.

Most of the population speaks Russian; only about one-half of ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the state language. The Constitution states that the Russian language is used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. Some ethnic Russians believe that Russian should be designated as a second state language. The Government is encouraging more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. A 1997 language law intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages has not been funded sufficiently to make Kazakh-language education universal.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the Labor Code provide for basic worker rights, including the right to organize and the right to strike; however, the Government at times infringed on worker rights. Activist unions came under government pressure for holding unsanctioned demonstrations and marches.

A new Labor Code took effect on January 1. Among many other revisions, the new law provides for individual contracts between an employer and each employee, but allows "optional" collective labor contracts. It also allows unions to represent an employee in labor disputes, but an employee may choose other representation.

Most workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At most enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions under the Communist system were, and for the most part still are, organs of the Government and work with management to enforce labor discipline and to discourage workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK, formerly the Independent Trade Union center of Kazakhstan) claims membership of about 250,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The pro-Government Federation of Trade Unions claims 4 million members; however, that figure is regarded as too high. To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and ex-

pensive. The process of registering a union appears to be completely subjective, with no published criteria. No unions were registered or denied registration during the year. The two major independent trade union confederations are registered. Courts may cancel a union's registration, as a provincial court did in Kentau in 1998.

The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first fired in times of economic downturn.

Unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. The nonpayment of wages continued to be the priority issue for workers. Early in the year, workers of the Uralsk "Mettalist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. The company subsequently prohibited one of the union's leaders, Vlaomir Podzhidaev, a member of the local city council, from entering the factory's territory. In addition police detained the union's chairman, Ainur Kurmanov, on March 31. Kurmanov alleged that police drugged and beat him, and detained him without charges for 7 days. He claimed that a local television station subsequently slandered him by showing footage of his "drunk" behavior in police custody.

According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. There were numerous strikes throughout the country to protest the nonpayment of wages and unsafe working conditions. Construction workers in Astana held a series of strikes complaining of the degradation of their working conditions under foreign contractors. According to the CFTUK, the Turkish construction company "Okan Holding Isot," under various pretexts, fired 125 of its employees in Astana shortly after the employees formed an independent labor union in November 1999. Workers at the company began a strike on March 29 to demand recognition of the union, collective bargaining, and the timely payment of wages. Police detained 8 out of 19 participants for 5 hours the same day. The workers were tried the following day and the leader, J. T. Sharipov, was sentenced to one day in jail for organizing an unsanctioned demonstration. The other seven were warned and then released.

Independent unions complain about a provision in the Constitution that forbids the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. After independence in 1991, independent trade unions received financial assistance from the AFL-CIO's Free Trade Union Institute (FTUI). Most of this assistance ended in 1996 when funding was reduced, and FTUI currently provides no funding. Independent trade unions have sought new means of support; some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training, participation in which appeared to increase.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK, headquartered in Astana. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

*b. The Right to Organize and Bargain Collectively.*—The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. Unions routinely appealed to arbitration commissions.

The new Labor Law that took effect January 1 reduced the role of unions by requiring employers and employees to negotiate individual labor contracts. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law. Previously the terms of contracts were set only by law and collective bargaining agreements. The new law also gave employers the right to fire an employee without the consent of the employee's union.

There is no legal protection against antiunion discrimination.

There are no export processing zones. Free economic zones enjoy all the privileges of export processing zones as well as other tax privileges and abatements, but labor

conditions there appear to be no different from elsewhere in the country. On August 1, the President signed a decree abolishing the last free economic zone to become effective on January 1, 2001.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor except “at the sentence of the court or in the conditions of a state of emergency or martial law,” and it is generally not known to occur; however, in 1999 there were reports that some persons were required to provide labor or the use of privately owned equipment with no, or very low, compensation to help gather the annual grain harvest.

The Constitution does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 14 years, but only for parttime work (5 hours a day) that is not physically onerous. A child between the ages of 14 and 16 may work only with the permission of his or her parents. Education is compulsory to age 16, and the law stipulates harsh punishment for employers who exploit children under this age. Responsibility for enforcement rests with the Ministry of Labor, for administrative offenses punishable by fines, and the MVD for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases where a minor is injured or placed in unhealthy conditions. Children from the ages of 16 to 18 can work full time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities. Although the Constitution does not specifically prohibit forced and bonded labor by children, the sale, trafficking, and abduction of children or hiring minors for exploitation are punishable with up to 12 years in prison. There were no reports of forced or bonded child labor (see Section 6.c.), and abuse of child labor is generally not a problem; however, child labor is used routinely in agricultural areas, especially during harvest season.

*e. Acceptable Conditions of Work.*—In 1997 the Government resumed setting a minimum wage. The minimum monthly wage remained at its 1999 level of approximately \$20 (2,680 tenge). The Government raised the minimum monthly pension to approximately \$25 per month (3,500 tenge) and cleared pension arrears. These amounts do not provide a decent standard of living for a worker and family and fell far short of the minimum subsistence amount for one person as calculated in 1998 by the Kazakhstan Institute of Nutrition.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Although the Constitution provides for the right to “safe and hygienic working conditions,” working and safety conditions in the industrial sector are substandard. Safety consciousness is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors could effectively charge traffickers under the existing Criminal Code. Article 270, Illegal Involvement in Prostitution, provides punishment of up to 3 years in jail. Prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, kidnaping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in jail and confiscation of property.

There are no official statistics on trafficking, but women’s rights groups and the IOM report additional indications that the problem is serious and growing. However, experts estimate that from 5,000 to 70,000 women have been victimized in the past 10 years. The higher figure was the result of a survey of Almaty women completed in April, the Crisis Center for Women and Children. In 1999, 25 women were repatriated from Greece, 21 from the United Arab Emirates, 16 from Turkey and 3 from Israel, according to the MVD. In December the press reported that 2,000 women were sent to South Korea for prostitution; 2 had been repatriated. All of the trafficking cases known to the IOM involve women between the ages of 18 and 25 who had been trafficked for purposes of sexual exploitation. According to the Kazakhstan Crisis Center for Women and Children, most women are recruited with

promises of good jobs or marriage abroad. The organization blames the rising number of women being trafficked from the country on the lack of employment opportunities and lack of information about trafficking. The KNB reported in June that it broke up a trafficking ring that specialized in sending women to the United Arab Emirates for prostitution. Criminal charges were brought against five alleged members of the ring. The five were arrested while trying to board a woman and a 15-year-old girl on a flight to Dubai. The official press reported that customs officers and border officials were under investigation for complicity with the ring.

The Government has no programs to target trafficking in women. However senior government officials presented reports on the problem, including the lack of appropriate legislation, during a November conference on trafficking in persons. The participants adopted a resolution which called for revision of legislation to make trafficking illegal; a distinction between victims of trafficking and illegal migrants, and a joint governmental, NGO and international organization approach to the problem.

Nongovernmental efforts to combat trafficking in persons increased. The Kazakhstan Crisis Center for Women and Children published a brochure warning of the danger of trafficking in women and conducted a survey to measure the level of awareness of the trafficking problem. In response to international organizations' efforts to raise awareness of the problem, local feminist leagues have also begun to get involved. The Feminist League of Kokshetau discovered that 50 local women had been sent to Greece for prostitution. Four regional workshops on trafficking in Aktau, Petropavlosk, Kokshetau, and Shmkent were held during the year.

## KYRGYZSTAN

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Both presidential and parliamentary elections were held during the year, and both were marred by serious irregularities. In October President Akayev was elected to his third term. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. The Government disqualified otherwise qualified candidates through conviction on questionable criminal charges. Observers reported instances of ballot box stuffing, voter intimidation, discrepancies in vote counts, and the presence of a large number of local and regional administration officials in and around the polling stations. Parliamentary elections were held in February and March, the second such elections since independence in 1991. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists; however, political parties remain weak, and the Government took numerous actions that disadvantaged opposition political parties. The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. The Parliament has become increasingly active and on occasion has blocked presidential initiatives; however, in many areas it still does not check the power of the President effectively. The judiciary also is dominated by the executive branch. Beginning in August, there were continuous military engagements in the southwest of the country, near the border with Tajikistan, between government forces and armed insurgents.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the Ministry of National Security (MNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the MNB deal with corruption and organized crime. These ministries inherited their infrastructure from their Soviet predecessors. Both appear to be under the general control of the Government and generally conform their actions to the law.

Border guards are under the full control of the Government. Some members of the police committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product growth (GDP) growth was 5 percent. Inflation was estimated at 9.6 percent. The country faces an external debt of roughly \$1.69 billion. Industrial production remains significantly below preindependence levels. The level of hardship for pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continues to be high.

Government figures indicate the average annual salary is \$165 (8,072 soms), while the subsistence level is estimated at \$295 (14,463 soms). Foreign assistance plays a significant role in the country's budget.

The Government's human rights record worsened and was poor in several key areas. The Government limits citizens' ability to change their Government. Prison conditions are very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' rights to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted freedom of speech and of the press. Authorities pressured journalists who criticized individual members of the Government. The Government used bureaucratic means to harass and pressure the independent media, nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly; in particular, there were serious problems with political parties' rights to free assembly. The Government at times inhibited freedom of association. The Government generally respected freedom of religion; however at times it infringed on this right. The Government harassed and pressured human rights groups. Violence against women is a problem that authorities often ignore, and societal discrimination against women persists. Trafficking in women and girls for the purpose of forced prostitution also is a persistent problem. Child abuse is a problem, and there is a growing number of street children. Discrimination against ethnic minorities and child labor are problems.

Armed insurgents in the country's southwest areas along the Tajik-Kyrgyz/Kyrgyz-Uzbek border took citizens and foreign nationals hostage in August.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom from:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

There were no further developments in the January 1998 beating death by police of Muratbek Sulaimanov.

The criminal investigation of the 1998 police beating and killing by burial alive of Sergei Skromnov continues. Two police officers suspected of the killing are in detention. A third police officer was released on bail.

Nigmat Bazakov, a leading representative of the ethnic minority Uighur community was murdered on March 28. The identity of the perpetrator is unknown. Figures in the Uighur community indicated that the killing likely was a criminal, business-related act, and not linked to government discrimination against Uighurs. Bazakov had run for a seat in the legislative assembly in the second parliamentary election but lost in Bishkek's eighth district.

In early August, fighters of the Islamic Movement of Uzbekistan (IMU), an organization opposed to the present Uzbek Government, crossed the Tajik-Kyrgyz border and engaged Kyrgyz security forces. As of October 9 when fighting ended, a total of 30 government troops were killed. It was estimated that 120 IMU partisans died and 200 were injured. No new attacks had occurred by year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances due to action by the Government or domestic groups.

In August armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU. Some of the hostages escaped uninjured after 6 days of captivity. The other hostages were released unharmed several days later.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, the supervision of conditions for pretrial detainees is poor, and abuses, such as beatings to extract confessions, sometimes occur. Police patrols are supervised poorly, are not always paid promptly, and sometimes commit crimes. Police sometimes used ill-defined charges to arrest persons (see Sections 1.d. and 2.d.).

On March 22, police in Kara Bura, Talas Oblast, reportedly used excessive force to break up a peaceful demonstration. Between 70 and 120 demonstrators were arrested. Approximately half were released the following day, and the remainder were eventually released. The participants were protesting irregularities in the February 20 and March 12 rounds of parliamentary elections (see Section 2.b.).

Several police officials were charged with issuing passports specifically for use in the trafficking of persons (see Section 6.f.).

In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions, or even levying capital punishment.

However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year (see Section 1.e.).

Prison conditions (including overcrowding, food shortages, and lack of heat and other necessities) are very poor. Those detained by the MNB rather than the MVD are kept in MNB facilities; after conviction, they go to a regular prison. In June 1999 a new Criminal Procedure Code went into effect, replacing the previous 1994 Soviet-era Criminal Code. The new code contains the right for attorney-client visits of unlimited number and duration; however official permission still is required. The code also greatly expands the rights of defense lawyers to obtain all evidence gathered during the course of the investigation. Prison visits by family members are at the discretion of the investigator during the investigation phase. After conviction, family members may visit regularly.

In principle nonfamily visitors seldom are permitted. However, some citizens, including local human rights monitors, usually can obtain official permission for a visit through personal connections. The International Commission of the Red Cross (ICRC) visited Feliks Kulov, an opposition political leader, in March when he was in jail; however, it does not have full access to prisons (see Section 1.d.).

*d. Arbitrary Arrest, Detention, or Exile.*—The judicial system continues to operate, in many cases, under Soviet laws and procedures, and authorities generally respect these provisions in practice; however, there were many cases of arbitrary arrest and detention related to the Parliamentary and presidential elections. The Procurator's Office determines who may be detained, arrested, and prosecuted. The MNB, the MVD, and the General Procurator carry out investigations. Since 1990 persons arrested or charged with crimes have had the right to a defense counsel, who is required to visit the accused within the first 3 days of incarceration. However, sometimes the accused first sees the defense counsel only at the trial.

The Criminal Code permits the Procurator to detain suspects for 72 hours before releasing them or charging them with a crime. The Procurator must issue an arrest warrant before a person can be detained. If a suspect is charged, the Procurator must advise defense counsel immediately. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has discretion to keep the accused in pretrial detention for up to 1 year, but there are conditions for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention. This requirement often is not observed in practice.

The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. For example, on January 25, the Government began criminal proceedings against People's Party opposition leader and registered parliamentary candidate Daniyar Usenov based on 4-year-old assault charges that had been withdrawn long before by the person allegedly assaulted (see Sections 1.e. and 3).

The Government arrested opposition party Ar-Namys activist Emil Aliyev on March 9, 3 days before the second round of the parliamentary elections. The charges related to alleged fraud in a 1994 loan transaction. Aliyev was released from custody on August 14 for reasons of poor health. Also on March 9, the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliev, a leader of the Ar-Namys party and candidate in that election, with fraud, which made him ineligible to run in the repeat election.

On March 22, the Government arrested opposition political leader Feliks Kulov at a hospital where he was receiving treatment for cardiac problems. The arrest followed his defeat in a parliamentary election and the announcement of his intention to run in the presidential election. He was arrested on suspicion of participating in illegal activities by members of the Kalkhan antiterrorist squad, while he headed the Security Ministry in 1997-1998. Kulov also was suspected of misappropriating some \$22,000 that the Security Ministry received from commercial firms. After his arrest, demonstrations were held demanding his release. On April 5, the Government terminated People's Party leader Daniyar Usenov's conditional release and took him into custody, despite no violation of the terms of his conditional release. He was released later that same day by intervention of President Akayev.

The MNB continues to monitor the Uighur community (a Turkic people native to western China) closely. In the past, it arrested Uighurs on ill-defined charges. In March the MNB arrested a resident ethnic Uighur from China for lacking a residence permit and for possession of Islamic literature that was deemed fundamen-

talist by the authorities. He reportedly was deported forcibly to China (see Section 2.c.).

In Jalalabad Oblast, throughout the year, the MNB detained more than 20 persons for membership in the Khieb-Ut-Takhrir Islamic organization and distribution of its literature. The Government has prosecuted criminally 11 of those detained for alleged possession of material containing appeals of an extreme character.

The Government does not employ forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, despite extensive reforms in the court system and a large body of new law, the executive branch continues to dominate the judiciary.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. Separate courts of arbitration handle civil disputes, and traditional elders' courts handle low-level crime in rural areas.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings can be closed to the public. A civilian can be tried in a military court if one of the codefendants is a member of the military.

Local elders' courts are found in almost every oblast and region. They exercise their authority by trying petty crimes, such as robbery, hooliganism, or theft. In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator brings cases to court and tries them before a judge and two "people's assessors" (pensioners or citizens chosen from labor collectives). The accused and the defense counsel have access to all evidence gathered by the Procurator. They attend all proceedings, which are generally public, and are allowed to question witnesses and present evidence. In practice, all members of the court have equal rights. Anyone in the courtroom may question witnesses. Witnesses do not always recapitulate their evidence in court; instead they affirm or deny their statements in the Procurator's files.

The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: innocent; guilty; or indeterminate, that is, the case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention. In practice there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures.

The Procurator, not the judge, is in charge of criminal proceedings. Thus the courts are widely perceived as a rubber stamp for the Procurator and for high-ranking Government officials and not as the protectors of citizens' rights. In addition very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

The Government introduced in 1999 several judicial reform measures, including a proposal to establish an independent judicial budget, creation of judicial judgment enforcement procedures, and independent judicial training; however, but no progress was made during the year in implementing these measures. Generally accepted international practices, including the presumption of the innocence of the accused, exist in law but are not always respected.

Judges do not hold positions for life. As provided in the Constitution, terms for judges range from 15 years for Constitutional Court judges to 3 years for first-term local judges. In 1993 a new system of court administration was introduced; judges are tested on their knowledge of the law and new civil codes. If judges fail these tests, they may be disqualified from holding office. The process appears to have increased judicial professionalism, and a number of judges have been removed due to poor performance on the exams. Some removals appear to have been subjective, but most lawyers and judges consider the system to be a fair measure of competence.

The appointment of ethnic Kyrgyz to key positions in the judicial system has led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups; however in December an ethnic Korean was appointed head of the Supreme Court. Although systematic discrimination is not clearly evident, allegations that it exists are credible

in some cases. There are also complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country is underrepresented in the judiciary.

Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, are common. Prosecution for these crimes is relatively rare and sometimes appears to be directed at opponents of the Government. Legislators in the past have used their parliamentary immunity to avoid being brought to court. However, an October 1998 referendum included an amendment that limited immunity to official acts only.

Trials took place in March and September for two of the three Members of Parliament (M.P.'s) who were arrested in 1999 for misappropriation of state property, abuse of power, and tax evasion. One M.P. was found guilty and sentenced to time served during the course of the investigation. The other was sentenced to 14 years' imprisonment and confiscation of his property. The case of the third MP remains under investigation.

The Government frequently used the judicial process to eliminate key political opposition leaders from participation in elections and narrow the range of choice for voters. A number of judicial actions against individuals apparently were motivated politically.

On June 27, the Government began the trial of opposition Ar-Namys Party leader Feliks Kulov in a closed military court on charges of instigation of and accessory to fraud and abuse of power for personal interests. He was held in custody from March 22 through August 7. Legal provisions allow the judge discretion to release Kulov pending trial; however, he was not released. The military court acquitted Kulov of all charges on August 7, but the military Procurator appealed the acquittal. On September 11, the Appeals Court ruled in the Procurator's favor and returned the case to the lower court for possible retrial. The Supreme Court denied Kulov's appeal of the Appellate Court's decision. The Government began a new trial on the same charges on October 3. The Government denied Kulov the right to representation by two Russian lawyers on the grounds that his case involved sensitive information and therefore foreign attorneys could not participate.

There were no reports of political prisoners; however, the Government detained Feliks Kulov, Emil Aliyev, and Daniyar Usenov on grounds that appeared to be politically motivated (see Section 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the Procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers first may carry out a search and then get approval ex post facto within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizational structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights problems that the privacy of their communications was violated, but evidence to that effect is not available.

The MNB continues to monitor the Uighur community (see Section 1.d.).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government restricted these rights.

The 1992 law on the mass media provides for freedom of speech and of the mass media and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics and symbols such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two laws related to the media, On Guarantees and Free Access to Information and On The Protection of the Professional Activities of Journalists, were adopted in December 1997.

The Government closed three newspapers during the year by refusing to publish them. Kapitalism and Litsa stopped publishing in October, and Res Publica was closed for 4 months. One journalist was arrested as a direct result of journalistic activities.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration proc-



ess requires 1 month. During the year, there were no reports of media organizations that could not register in a timely manner.

Libel is a criminal, not a civil, action. The Government attempted at the end of 1997 and the beginning of 1998 to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 1998 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. However, to date there has been no implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchkun, is the only newspaper publisher in the country.

Uchkun refused to print the independent newspaper Res Publica for 4 months during the year. This action was taken pending Res Publica's full payment of a fine awarded to the president of the state television and radio corporation in an earlier honor and dignity suit. Uchkun also refused to deliver Res Publica to the regions via its distribution system after it resumed publishing the newspaper. Res Publica also experienced distribution problems with the state postal system prior to the presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalalabad.

The opposition Kyrgyz-language newspaper Asaba again was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the Presidential election. Two honor and dignity suits were lodged against the newspaper, a longstanding tax dispute continued, and a long-dormant debt case was reactivated against the newspaper. A Bishkek district court ruled on October 20 that Asaba must pay \$105,000 (5 million soms) in compensation to parliamentary deputy Turdakun Usubaliyev for having insulted him repeatedly over a period of 8 years. Seven Asaba journalists also were ordered to pay \$20 to \$30 (1,500 soms) each for articles critical of Usubaliyev. The newspaper had lodged a counter suit against Usubaliyev accusing him of insulting the newspaper and its journalists. The judge ruled in favor of the counter suit, Usubaliyev must pay the newspaper \$1,000 (50,000 soms).

After a year of government harassment, tax investigations, and change of its editorial leadership and direction, the independent daily newspaper Vecherny Bishkek muted its criticism of the Government.

In June an independent journalist from Jalalabad was sentenced to 2 years' imprisonment and fined \$2,250 (108,000 soms) for libeling a judge. After spending 5 weeks in jail, the journalist upon appeal was released and his fine was reduced to \$210 (10,080 soms). Three NGO's, Internews, the Association of Journalists, and the Osh Media Resource Center provided legal representation for the journalist. On October 27 the independent newspaper Res Publica was fined \$5,000 (25,000 soms) for an article it published 2 years earlier that criticized the Ministry of Justice's decisions to revoke the registration of the Kyrgyz Committee for Human Rights in September 1997 and to register in 1998 an alternative body with the same name that was loyal to the Government.

The Government harassed the owner, the editor, and a journalist of the independent newspaper Delo No. These journalists underwent lengthy interrogations by the Ministry of Internal Affairs, and their offices and homes were raided and searched. A case is pending against the newspaper, alleging that it published state secrets during its coverage of the closed trial of Feliks Kulov. The Government also pressured independent television stations. The Government interfered with the stations' programming, particularly their coverage of politics, elections, and candidates. During Feliks Kulov's pretrial incarceration, the Government directed stations to air a documentary program that was highly critical of Kulov. Government interference with independent television and radio stations continues.

There are two television stations in Osh that broadcast in Uzbek: Osh Television broadcasts in Uzbek part of the time—although the station has been criticized by the Government for airing too much Uzbek language programming—and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. A case was pending against Mezon Television for broadcasting a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections.

Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continues. The NAC required Osh Television to change its broadcast frequency. The station and the association of journalists con-

tinue to protest the change as unfair and not justified technically. It also would impose a financial hardship on the station. The NAC's directive that Osh Television switch channels was postponed until the end of the year. In addition Osh television is engaged in an ongoing dispute with the tax authorities for what it considers unfair tax assessments.

Some independent media continue to operate despite these pressures.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. The Government on occasion used force to disrupt peaceful demonstrations and officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to restrict this right. The law requires official written permission for holding assemblies, rallies, and demonstrations.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. Throughout the year, several peaceful protests were held outside the President's office. Those demonstrating included pensioners, political and human rights monitors, and ethnic groups living in the country, such as Uighurs and Kurds. During the year, there were many demonstrations protesting the results of the parliamentary elections and the arrests of opposition figures. On March 25, approximately 500 demonstrators gathered in front of the Constitutional Court in Bishkek to demonstrate against the results of the second round of parliamentary elections. This demonstration was held without incident. Throughout the spring, demonstrations were held by supporters, particularly in the Talas Oblast in support of Feliks Kulov (see Section 3). While the police and local authorities did not disrupt the majority of demonstrations, there were instances when the Government either broke up peaceful demonstrations, or harassed those protesting. There are credible reports that police used excessive force to break up a peaceful demonstration in Kara Bura (Talas Oblast) on March 20. Over 100 demonstrators were arrested. In April demonstrators who were protesting Kulov's arrest throughout downtown Bishkek were required to move from the steps of a government building to a park. Local authorities stated that the demonstrators did not obtain the required permit and that the demonstrations were impeding traffic and creating disturbances. The demonstrators subsequently were moved to another, less public, area of Bishkek. Pro-Kulov demonstrators also gathered in front of various government offices and the White House. They also demonstrated in front of the U.S. Embassy and the office of the Organization for Security and Cooperation in Europe (OSCE). These demonstrations were peaceful and were not broken up by police.

The opposition Democratic Movement of Kyrgyzstan ("DDK") was denied a permit to organize a demonstration in front of the White House.

Demonstrations also were held in support of opposition People's Party Leader Daniyar Usenov, who was arrested and briefly detained after the second round of the parliamentary elections.

The Constitution provides for the right of association; however, while the Government generally respects this right, at times local authorities inhibited it in practice.

The 1991 Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. Excessive caution by some officials is a contributing element for the delay some organizations experience in registering. Ultimately all organizations that sought registration during the year were registered. The Kyrgyz Committee for Human Rights (KHCR) was reregistered in 1999; however, due to government pressure its president, Ramazan Dyryldaev, fled the country (see Section 4).

In June 1999 Parliament passed a new law on NGO's. This law distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The President signed this law into effect at the end of 1999.

*c. Freedom of Religion.*—The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government occasionally infringes on this right. The Constitution provides for a secular state and the separation of church and state, and the Government does not support any one religion. The Government expressly forbids the teaching of both religion and atheism in public schools.

In 1996 the Government created a State Commission on Religious Affairs (SCRA), officially in order to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. The Commission quickly became active and has overseen the registration of over 300 religious institutions, of which 210 are Christian denominations. According to a 1997 presidential decree, all religious organizations

must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently a religious organization must register with the Ministry of Justice to obtain status as a legal entity, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. However, if a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. In practice the Ministry has never registered a religious organization without prior registration by the SCRA. There were no known instances during the year of the Commission refusing attempts by religious groups to register, although the process sometimes is cumbersome, taking a month on average. The Unification Church, which is registered as a social, rather than a religious organization, has "semiofficial status".

Islam is the single most widely practiced faith. Official sources estimate that up to 80 percent of the populace Muslim. There are approximately 1,225 mosques in the country, of which 700 are registered. Approximately 17 percent of the population is Russian Orthodox. There are 40 houses of prayer for other Christian denominations. There were no reports of interference by authorities with worship services.

A number of missionary groups operate in the country. They operate freely, although they are required to register with the Government. There is anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Government authorities indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon. The Unification Church currently is not active in the country, but it has a presence through the charity organization of Reverend Moon's wife. There were no reports of interference with its activities during the period covered by this report.

The Government is concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahabbis". The sentencing in May of three Uighur Islamic militants who were charged with the 1998 bombings in Osh added to the Government's concern about "Wahhabist" elements operating in the country. Armed incursions of the Islamic Movement of Uzbekistan (IMU) in August, as well as between August and October 1999, also increased the Government's apprehension about radical Islam and the actions of its followers.

According to a March 21 Amnesty International report, Jelil Turadi, an ethnic Uighur Chinese national was arrested in Bishkek for not having a necessary residency permit. Unofficial sources stated that after a police search of his apartment turned up religious material that was deemed fundamentalist, Turadi was taken into custody for possessing "Wahabbist" material, and after being interrogated by Chinese and Kyrgyz security agents, was deported back to China.

On September 6, security forces arrested a 23-year-old man in Kara Suu and charged him with instigating "national, racial and religious enmity." He admitted to security forces that he belonged to the banned fundamentalist organization Hezeb-E-Tahrir. According to press accounts, eight persons were arrested in August for distributing literature produced by the IMU.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—In general government policy allows free travel within and outside the country; however, certain Soviet-era policies continue to complicate internal migration, resettlement, and travel abroad. Under the Soviet-era law still in force, citizens need official government permission (a propiska) to work and settle in a particular area of the country. Strictly speaking the propiska affords the right to reside in a given city or region. In addition home and apartment owners legally can sell their property only to buyers with such permission. In practice many employers traditionally have refused to provide employment to any applicant residing illegally. However, this law has not been enforced recently. Persons now move within the country, purchase homes, and sell businesses without hindrance.

There is no law on emigration. In August 1999, a presidential decree stated that exit visa requirements would be abolished by October 1999, and the law was fully implemented by the end of the year. Citizens now can travel abroad without an exit visa; however, some travelers still may be required to present letters of invitation to validate their passports for international travel for their first trips abroad, or for the purpose of emigration. After validation of the passport, travel is unrestricted. A Soviet-era law prohibits emigration within 5 years of working with state secrets. No one is believed to have been barred from emigration under this statute during the year. After validation of the passport, travel is unrestricted. All passport applications are reviewed by the Ministry of National Security. Emigration of both ethnic Russian and Russian-speakers has risen significantly since independence due to fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyzstan). Since independence over 300,000 ethnic Russians

and 200,000 Russian-language speakers have emigrated from the country (see Section 5).

Emigrants are not prevented from returning to the country, and there is reportedly a small but steady flow of returnees.

The armed militants who crossed the border into southern portions of the country from Tajikistan caused an estimated 1,139 citizens to flee their homes and left them internally displaced. Most of those displaced have returned to their homes. The Government, assisted by NGO's and international organizations, rendered assistance to the displaced.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other international humanitarian organizations in assisting refugees.

According to the UNHCR, there were approximately 140 refugees from Chechnya in the country who were granted first asylum. An additional 11,671 were granted refugee status. Of this number, 1,000 were from Afghanistan, and the remainder from Tajikistan. Twenty-two asylum requests from Tajikistan were denied. Since 1993 the country has offered "first asylum" to those who have qualified for first asylum status.

There were no reports of expulsion of those having a valid claim to refugee status. However, there were reports of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. The UNHCR assisted approximately 669 Tajik refugees to return to Tajikistan during the year.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so is limited. During the year both presidential and parliamentary elections were held and both were marred by serious irregularities.

The Constitution mandates presidential elections every 5 years. There is a two-term limit. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. However the Government took steps to disqualify otherwise qualified candidates through conviction on questionable criminal charges.

Akayev was elected to a third term as President on October 29 in an election that did not follow international standards for equal, free, fair, and accountable elections. Restrictions on the registration of candidates limited the field to six candidates, and there was intervention by local officials in the electoral process. The OSCE/ODIHR stated that "international standards for equal, free, fair, and accountable elections were not met." Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a setback from the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. Central Election Commission chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The law requires a demonstration of Kyrgyz language competency before final registration as a presidential candidate. According to the Election Code Article 61, command of the language is the ability to read, write, express one's thoughts and speak publicly. The examination is given by a linguistic commission. The procedure for evaluating the examination is not transparent, and the OSCE noted that the difficulty of the exam was not uniform for all candidates. Examination results eliminated seven candidates from the race, including several native Kyrgyz speakers. In September the Constitutional Court heard and rejected a challenge of the requirement brought by two candidates. According to the OSCE, the language test was used to limit the possibilities of participation by opposition candidates.

The administration of voting procedure technically was correct. All six candidates remained on the ballot through election day. The independent media continued to appear until election day, although the Government interfered with the distribution of opposition newspapers. There were candidate observers in most, if not all precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions when their rights as observers were violated. The Government ex-

cluded independent observers representing the constituent organizations of the "Coalition of NGO's for Democracy and Civil Society" from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then allowed to enter later in the day after they sought relief through the courts, then again denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count.

According to information released by the Central Election Commission, Akayev received 74.4 percent of the vote; his closest opponent Omurbek Tekebayev received 13.6 percent. The election was flawed in numerous ways including ballot box stuffing, voter intimidation, discrepancies in vote counts, a large presence of local and regional administration officials in and around the polling stations, and the discovery during opening procedures in a precinct in Bishkek of 700 ballots marked for Akayev in a ballot box that was supposed to be empty. In some instances, election observers were unable to witness the counting procedure to verify that votes were tallied for the candidate indicated on the ballot.

In February and March, the first and second rounds of parliamentary elections were held. The Constitution provides for parliamentary elections every 5 years. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs, despite international criticism of these practices following the first round. In decisions that appear politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. Although there were improvements in overall election administration on the day of the vote, the process was marred by serious irregularities in a number of key electoral districts. There were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

Prior to the parliamentary elections, the Government took numerous actions which disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People's Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. This included a second major opposition party, the Ar-Namys Party, and the progovernment party Adilet. The participation of three registered parties, including the opposition Democratic Movement of Kyrgyzstan, subsequently was challenged on the grounds that their nominating conventions were conducted improperly.

In March a district election commission deregistered opposition candidate Daniyar Usenov from the second round elections on technical grounds related to his alleged failure to include ownership of an apartment in his financial disclosure statement. On March 11, after the parliamentary elections, the Supreme Court reversed the lower court's decision, but neither the Supreme Court nor the Central Election Commission (CEC) would permit a repeat of the election so that Usenov could run in his district. In another instance, on March 9 the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliev, a leader of the Ar-Namys Party and candidate in that election, with fraud, making him ineligible to run in the second election.

On March 10, the Government attempted to deregister Parliamentarian and candidate Omurbek Tekebayev in Bazar-Korgon for filing an allegedly false financial disclosure form. However, the court did not rule in the Government's favor. Before the court decision was rendered, hundreds of Tekebayev's supporters demonstrated and blocked streets in his district.

Opposition candidate Feliks Kulov competed in both rounds of the elections but lost badly in the second round amid credible allegations of ballot tampering. His supporters demonstrated against the election in his district and in Bishkek for several months. The OSCE determined that in the second round of election, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud committed by both state and election authorities. In the second round, more than 10 candidates were automatically declared winners as a result of their opponents' refusal to run or, in 9 cases, the Government's cancellation of the opponents' registration.

The conduct of elections in many places, especially in Talas and Jalalabad, was seriously flawed. Problems included credible reports of a massive increase in advance voting, vote buying, premarked ballots, ballots shown to officials before being deposited in the ballot box, and an atmosphere of intimidation in the election dis-

strict, including threats to students of arrest and eviction from dormitories and confiscation of driver's licenses from truck drivers.

Amendments approved in a 1996 constitutional referendum, which was marred by serious flaws, strengthened the formal power of the President and his advisers, who dominate the Government. The Parliament tends to be subordinate to the executive branch but shows increasing signs of independence, such as the overriding of presidential vetoes. During the year, Parliament adopted 33 laws, of which the President signed 11. The overwhelming majority of local government officials, including mayors and governors, continue to be appointed by the President, but the first elections for local legislative bodies were held in October 1999. The elections were flawed but were an improvement over the 1996 referendum.

Political parties remain weak. There are 27 registered political parties, 15 of which qualified for the proportional representation component of the parliamentary elections. To receive any of the 15 seats available under proportional representation, parties must receive 5 percent of the overall vote. The remaining seats are held by single-mandate candidates. In the lower chamber, 29 of 60 members elected in 2000, including those elected to party seats, claimed party affiliation. In addition there is a parallel structure involving 3 factions with a total of 23 members. In the upper chamber, the People's Representatives Assembly, 7 of 45 members claim party affiliation.

Women and most ethnic minorities are underrepresented in government and politics. Women hold only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court are women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks are underrepresented in government positions, although the newly named First Deputy Prime Minister, is an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights groups operated in an increasingly hostile environment and were faced with continuous government pressure to curtail their activities, especially activities related to the parliamentary and presidential elections. Despite this pressure, most groups were able to continue investigating and publishing their findings on government interference with elections, as well as on human rights cases.

The Government repeatedly threatened leaders of the Kyrgyz Committee for Human Rights (KCHR), the NGO Coalition for Democracy and Civil Society (Coalition), and the Republican party with criminal action for their activity on behalf of opposition political leaders and their supporters. On March 29, the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties violated a law that prohibits the destabilization of society by preparing and distributing flyers that appealed for public support of Ar-Namys candidate Feliks Kulov (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyryldayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning.

In June the Minister of Justice stated that since the Coalition was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year.

On May 31, the Government opened a criminal case against KCHR chairman Ramazan Dyryldayev for failure to comply with provisions of the Labor Code related to the firing of an employee. The fired employee in question was terminated during the period when the Government deregistered the KCHR and registered a different organization under different leadership under the KCHR's name. Also in May, the Government charged former KCHR deputy chairman Eleman Mambetaipov with misappropriation of furniture located in a room rented by the KCHR from the Ministry of Agriculture. At the trial, the judge would not accept evidence that the property in question was in its proper place. On July 14, Mambetaipov was given a year prison sentence. Dyryldayev has remained abroad since July. In July police attempted to force their way into the office of the KCHR in an effort to locate him.

In June the Government held a political roundtable including some political parties, NGO's, and social movements. The OSCE initially planned to hold such an event under its auspices. A preparatory committee consisting of nine representatives from the Government, nine representatives from NGO's, and nine representatives from political parties was established for the event. During the preparatory stage,

two political parties, Ar-Namys, whose leader was in jail, and Kairan El, withdrew from the process because their conditions for participation were not met. On June 3, the Government withdrew from the preparations in favor of holding its own event. The majority of NGO's on the preparatory committee and five political parties refused to participate in the Government's roundtable due to unilateral changes of the agenda and the format of the discussion introduced by the Government. The OSCE withdrew its support for the event after the Government's refusal to abide by the formulation worked out by the preparatory committee but attended the event as an observer. OSCE observers stated that the meeting had flaws, including the absence of significant opposition elements and a failure to alleviate tensions that arose after the parliamentary election.

The Government formed a progovernment NGO called the Association of NGO's (the Association). There are reports that local authorities apply pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding are able to resist this pressure.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government expresses a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

*Women.*—Violence against women is a problem. Research conducted in 1996 on violence against women showed a noticeable increase in such incidents since independence in 1991. Activists note that rape is becoming more common. It is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common, but authorities often ignore such attacks. Government statistics indicate that in 1999, there were 400 to 450 crimes against women, but many crimes never are reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials. The Government has not devised a program to deal with this problem, and the number of shelters for battered women is not increasing to meet the need. The Umut (Hope) Center opened in 1997 to provide basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center has organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. In 1998 the director attributed the rise in the number of women visiting the shelter to the country's severe economic crisis, which had led to increased violence against women. Umut received grants from a variety of foreign sources during the year, and provided shelter for 165 persons and provided advice to 1,524 others through its hot line. Umut also offers psychiatric counseling to victims. There were internationally funded crisis centers for women in need of such assistance in both Talas and Jalalabad.

In 1997 the NGO Tendesh opened a crisis center in Naryn with a hot line to support women affected by violence. It provides psychological, legal, and medical assistance. Another center, Sezim, opened in April 1998 in Bishkek with a staff of lawyers, psychologists, and doctors, and operates a crisis hot line for the public. Staff members conduct training, debates, and seminars on women's rights and family planning. During the year, at least three new programs were introduced to address the needs of women by NGO's. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's issues. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative Aigerim introduced programs to assist with needy families.

Trafficking in women and girls for the purpose of forced prostitution is a growing problem (see Sections 6.c. and 6.f.).

Discrimination against women persists. The law gives equal status to women, and they are well represented in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking. They also play an active role in the rapidly growing nongovernmental sector.

During the parliamentary elections, NGO's embarked on programs to help educate women in the electoral process and on their voters' rights. The Center of Women's Initiative Aigerim helped train women to monitor during the parliamentary elections. According to Counterpart Consortium, 293 NGO's dealing with women's issues operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Par-

liament, journalists, international organizations, as well as other NGO's in support of women's rights. Nonetheless deteriorating economic conditions have had a severe effect on women, who are more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably larger (58,300) than those for men (48,100). For women the average wages were lower than \$13 per month (637 soms), and for men \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn as inflation has eroded pensions that often are paid late. Women's groups express general concern about the situation of rural women. With the end of communism, traditional attitudes toward women are reasserting themselves strongly in the countryside, where women are relegated to the role of wife and mother, and educational opportunities are curtailed. Data indicate that women are becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality is not always observed.

The women's advocacy NGO community is becoming increasingly organized. As a result of conferences held in 1999 an appeal was sent to the Government, Parliament, journalists, NGO's, and international organizations in support of women's rights.

*Children.*—The socioeconomic situation does not effectively provide decent living conditions for all children. Basic needs for shelter, food, and clothing seldom are met, and the Government does not take effective measures to address these needs. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affects a large number of children, especially in rural areas. Traditional social safety measures are now inadequate to cope with the social pressures that affect families, and in major cities children regularly are observed begging or selling cigarettes. There are increasing reports of abandonment due to parents' lack of resources to care for children.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. However, the educational system has suffered material and financial hardships, and conditions continue to deteriorate due to an acute shortage of budgetary and material resources. The Government established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and disabled children. Jetkinchek, a Presidential Educational Program, created in 1999, provides assistance such as pens, books, clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is another government program financed by international organizations that helps talented youth continue their education abroad.

The Law on Education requires that secondary education be free and universal. However, financial constraints prevent the Government from implementing this for all students. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor. The law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who can afford it choose to send their children to more expensive private schools. Moreover those families that keep their children in public schools must pay administrative fees. These costs add up and are difficult for families, particularly large ones, to bear.

The Government and its Commission on the Affairs of Under-age Children disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Science and Culture, and Health as well as the state television and radio company and various NGO's also help disseminate information including by translations into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. There are also plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs titled "The Rights of Children in Kyrgyzstan" to help educate the population.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitor the condition of children. Human rights groups note that children who are arrested usually



are denied lawyers. Police often do not notify parents of children who are arrested, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The KCF is concerned about the growing number of street children, many of whom have left home because of abusive or alcoholic parents. Social workers and police regularly conduct street sweeps to locate abandoned children. Children who are found are sent to orphanages and police holding centers depending on the amount of space available. The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. In 1999, the Svetlii Put shelter (formerly known as the Ak Zhol shelter), was reestablished with assistance from UNICEF. During the year, the shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, opened in 1998 to care for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

The forced marriage of underage girls has become more common, and the authorities often tacitly approve this practice. Cultural traditions and social structures discourage victims from going to the authorities.

*People with Disabilities.*—The Government passed the Law on Social Protection of Invalids in 1991 and adopted amendments in October 1998. The amendments provide for convenient access to public transportation and parking for the disabled; subsidies for mass media sources that make their services available to the hearing or visually impaired; and free plots of land to construct a home. Social facilities for the mentally disabled are strained severely, as budgets have fallen and workloads remain heavy. In one program facilitated by foreign volunteers, local high school students have begun to visit special institutions such as those for the mentally disabled.

*National/Racial/Ethnic Minorities.*—There are reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. The most recent statistical data reflect the following ethnic breakdown of the population: 61.2 percent are Kyrgyz; 14.9 percent are Russians; 14.4 percent are Uzbeks; 1.1 percent are Tatars; 0.3 percent are Germans; and others constitute 8.1 percent. Members of the minorities allege discrimination in hiring, promotion, and housing. They complain that government officials at all levels favor ethnic Kyrgyz.

Russian-speaking citizens (those who do not speak Kyrgyz) also allege that a ceiling exists in government employment that precludes their promotion beyond a certain level. The representation of ethnic Kyrgyz at senior and intermediate levels of government is disproportionately high, giving credence to perceptions that career opportunities in government are limited for those who are not ethnic Kyrgyz. There also were complaints about discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

Since independence, over 300,000 ethnic Russians and 200,000 Russian-language speakers have emigrated. In order to help stem the tide of migration, the Government passed legislation elevating Russian to the status of an "official language." On May 20, President Akayev issued a decree to moderate emigration by improving the situation of ethnic Russians and Russian speakers. During the year, a bilateral agreement was signed with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia. This agreement is to provide maximum social benefits possible under Kyrgyz law for those Russian citizens living in the country.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. A new draft law that was introduced in November allows for Russian to be used in the workplace until measures can be established to change to Kyrgyz. On March 20, President Akayev issued a draft decree calling for all high and middle-level government officials to have sufficient proficiency in Kyrgyz, with the aim to have all official business conducted in Kyrgyz by 2005. This draft decree was not enacted into law as a result of widespread criticism. Candidates in the 2000 presidential elections were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

University education is carried out largely in Russian (although Kyrgyz instruction is available in some departments in some universities, where textbooks are available), so that Russian-language capability remains an important skill for those who wish to pursue higher learning.

*Section 6. Worker Rights*

*a. The Right of Association.*—The 1992 Labor law provides for the right of all workers to form and belong to trade unions, and there is no evidence that the Government has tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remains the only trade union umbrella organization in the country, although unions are not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet. Each year the two parties sign an agreement on “cooperation.” There is one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000. Precise numbers for the Federation’s membership are not available, but it is significantly larger than other unions.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. The Federation still regards itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions are not affiliated with the umbrella organization.

The law calls for practices consistent with international standards.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse generally directed at unions or individual workers. During the year, there were several instances when workers repairing the Bishkek-Osh Highway went on strike against foreign companies that employed them since they did not receive payment for their work. In November vendors at the Dorodoi Market in Bishkek went on strike to protest against the decision of the Dorodoi Market’s administration to allocate preferred selling areas to Chinese merchants over local merchants.

The law permits unions to form and join federations and to affiliate with international trade union bodies. Since independent unions are still in their infancy, no meaningful affiliation with international trade union bodies has taken place.

*b. The Right to Organize and Bargain Collectively.*—The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there is growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no recorded instances of discrimination against anyone because of union activities.

There are Free Economic Zones (FEZ’s) that can be used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ’s.

*c. Prohibition of Forced or Compulsory Labor.*—The law forbids forced or compulsory labor, as well as forced or bonded labor by children; however, women and girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Although the majority of children are enrolled in school, child labor is a problem.

Provisions of the Labor Code, the Law on Public Safety, and the Law on the Protection of Rights of Underage Children address child labor. The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The Labor Code is contradictory in the requirements it sets for the minimum age of employment in work that can harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to Article 317 of the Labor Code, those between 14 and 16 years of age are permitted to perform strenuous work with parental consent. However, minors less than 18 years of age cannot work in underground conditions. Minors between 18 and 21 years of age may not perform hazardous or manual work. Article 319 sets the maximum daily hours of work for those between 14 and 16 years of age at 5 to 7 hours respectively. Underage children cannot work beyond this limit or during night shifts. These laws also apply to disabled children who work.

Given its budget constraints and lack of resources, the Government is unable to enforce adequately these laws. Although those employers who are caught violating the Labor Code can be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

Child labor is becoming more widespread both in towns and rural areas. Since many children are “self-employed” (selling newspapers, carrying handcarts at mar-

kets, selling cigarettes and candy on the streets, etc.) or work for their families, it is very difficult for the Government to determine if their work schedule and environment conform to government regulations. Families are traditionally large, and it is sometimes necessary for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO's, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children are used to harvest tobacco and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Some fields are located on school grounds, and the income earned goes directly to the schools, not to the children. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with Labor Code laws. The legislative assembly has established a special commission on education, women's affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Public control of compliance with the labor code is enforced by trade unions, a function holdover from the Soviet period.

The Government has undertaken additional initiatives to help protect minors from forced labor. Since the budget is facing severe funding constraints, many children who are entitled to receive help do not.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The Government mandates a national minimum wage at a level theoretically sufficient to assure a decent standard of living for a worker and family. The legal minimum wage is about \$2.50 (100 soms) per month. In practice this wage is insufficient to ensure a decent standard of living for a worker and family, and therefore industries and employers set the minimum level wages that actually are paid. The Federation is responsible for enforcing all labor laws, including the law on minimum wages. Minimum wage regulations largely are observed. However, the enforcement of labor laws is nonexistent in the growing underground economy. Market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories are poor. Despite the recent improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. In March 1999, the State Inspectorate of Labor was established to protect and educate workers as well as also inform business owners on their respective rights and responsibilities. A 1992 law established occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these measures, but the deterioration of the economy has led to an uneven compliance record among businesses. Workers have the legal right to remove themselves from unsafe working conditions, and workers who choose not to work in an unsafe environment may find employment elsewhere. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

*f. Trafficking in Persons.*—The law provides that those involved in trafficking can be sentenced up to 15 years' imprisonment; however, very few traffickers are caught, and those that are receive lenient sentences or fines. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking issues, and corruption contribute to the problem. The trafficking of Kyrgyz women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of forced prostitution, is a growing problem. According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. Often women are trafficked through deception. They are lured abroad under the pretext of legitimate employment (i.e. waitresses, au pairs, dancers, etc.), and by the time they discover the true intent of the traffickers, they find themselves without the money for return tickets, without documents, and are forced to agree to the conditions and terms of the employers. A flourishing sex trade draws girls, as young as age 10, from destitute mountain villages. Several media articles have raised public awareness of the problem. The Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.

According to IOM, fraudulent passports are issued to those being trafficked. Eleven law enforcement officers have been accused of preparing fraudulent documentation for trafficked women, and criminal proceedings have begun against three of the accused officers. During the year, 4 persons were tried and sentenced to prison terms for trafficking; 18 persons were tried and sentenced in 1999.

Trafficked women do not normally receive assistance due to lack of understanding of the problem. Many have reported being victimized by law enforcement officials upon their return.

## LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament (Saeima). The Saeima elected Vaira Vike-Freiberga to a 4-year term in June 1999. The October 1998 elections for the 100-seat Parliament and the national referendum to amend the Citizenship Law to meet European standards were free and fair. The judiciary is independent but not well-trained, efficient, or free from corruption.

The security apparatus consists of: The national police and other services, such as the Special Immigration Police and the Border Guards, who are subordinate to the Ministry of Interior; municipal police under local government control; the military Counterintelligence Service and a protective service under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. The Constitution Protection Bureau (SAB) is responsible for coordinating intelligence activities. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

Privatization essentially is complete, although some large utility companies remain in state hands including the national electric company, railroads, and shipping. The currency remained stable and traded freely; unemployment was 7.8 percent, and annual inflation was 1.8 percent. Per capita gross domestic product was approximately \$2,950.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, problems remained in certain areas. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force. In most instances, the Government took disciplinary measures against those responsible. Prison conditions remained poor. Lengthy pretrial detention was a problem. The inefficient judiciary did not always ensure the fair administration of justice. Women are discriminated against in the workplace. Domestic violence, trafficking in women (including minors), and child prostitution and abuse are significant problems.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

In March 1999, a member of the security police shot and killed two persons and injured three others during a bar fight in Jelgava. In October he was sentenced to 20 years in prison; he appealed to the Supreme Court, which affirmed the verdict of the lower court.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, but there were credible reports that police and prison guards mistreated persons. In September 1999, four prison guards at Riga Central Prison were dismissed for excessive use of force against prisoners.

In conjunction with the Soros Foundation and the National Human Rights Office (NHRO), the Ministry of Interior continued its programs for educating police officers about human rights concerns. In 1999 a local nongovernmental organization (NGO) established a free legal advisory service for prisoners and others who believe that they were victims of police abuse (see Section 4).

Prison conditions remained poor, although human rights groups noted some improvements during the year. Prison cells often are overcrowded severely. Inadequate sanitation facilities, persistent shortages of blankets and medical care, and insufficient lighting and ventilation are common problems, as is the shortage of resources in general. Most jails badly need renovation. The Government has taken additional

steps to upgrade certain facilities. The NHRO records complaints of violations of the right to humane treatment and respect of dignity. During the year, 47 prisoners filed complaints concerning their treatment, and 19 persons filed such complaints relating to the police. The NHRO investigates each complaint. Human rights groups are alarmed by the number of drug-resistant tuberculosis cases in the prisons, and the Government has received assistance from several foreign organizations to address this problem. Although the number of tuberculosis cases has decreased, the Riga central prison hospital remains overcrowded at close to 200 percent capacity.

At a prominent conference attended by human rights groups and government officials in November, the deputy director of the prison administration and the Prosecutor General criticized the the Government for its failure to improve the Criminal Code and provide resources to the judicial system. Two youths committed suicide in July while in pretrial detention awaiting trial for murder. They were held in the same cell, one for 17 months, the other for 5 months. The archaic provisions of the Criminal Code make it difficult to investigate and move a case forward in the court system. Press reports estimate that 70 percent of all juveniles in prisons are awaiting trial. While most have been waiting for about 2 years, some have been waiting 4 years or more. Unlike convicts, those in pretrial detention are not allowed to work or go to school, have limited contact with outside NGO's or family, and suffer considerably worse living conditions than prisoners in general. The deputy director of the prison system also noted the lack of work and job training for inmates and the need to provide social support to inmates after release.

The Government permits human rights monitors to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. There were no known instances of arbitrary arrest. The responsibility for issuing arrest warrants was transferred from prosecutors to the courts in 1994. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. According to credible reports, these rights are not always respected in practice, especially outside of Riga.

According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison, but many have been there much longer. More than 40 percent of all inmates are in pretrial detention. Complaints were filed by 94 prisoners during the year concerning their right to a just and timely trial.

The law prohibits forced exile, and there were no reports of its use.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the courts must rely on the Ministry of Justice for administrative support, and the judiciary is not well trained, efficient, or free from corruption.

The judicial structure is composed of district (city) courts, regional courts, the Supreme Court, and the Constitutional Court. The Constitutional Court is a seven-judge panel that is authorized to hear cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

The Government continued to reform the judicial system. In 1995 it completed the establishment of regional courts to hear appeals of lower court decisions. For more serious criminal cases, two lay assessors join the professional judge on the bench. Corruption in the judicial system reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander Lavent, resigned from the case, citing alleged political pressure from the Government. The accusation came after the judges released Lavent to house arrest following a heart attack that he suffered in the courtroom on the first day of the trial. In December 1998, the courts determined that Lavent had recovered his health, and he was returned from house arrest to prison. The trial of Lavent and his alleged accomplices resumed briefly in the fall, but it was suspended again at year's end 1999. The trial resumed in 2000 but was suspended again due to the defendant's illness. On July 27, Lavent filed a complaint with the European Court of Human Rights accusing the Latvian courts of violating his right to a fair and speedy trial. In October Lavents led a hunger strike with several other prisoners to protest lengthy pretrial detention.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the continuing lack of an effective bailiff or sheriff system. In 1999 a new criminal law went into force, which allows for more alternative punishments, including community service. Despite the new law, alternative punishments are utilized rarely by the courts.

Court decisions are not published systematically, nor is there a centralized index for those that are published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to destitute defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned wiretapping of the telephone conversations.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The 1991 Press Law prohibits censorship of the press or other mass media. Most newspapers and magazines are privately owned. Newspapers in both Latvian and Russian publish a wide range of political criticism and viewpoints.

A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Law on the Media, revised in October 1998, contains a number of restrictive provisions regulating the content and language of broadcasts. No less than 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language. However, these provisions are not always implemented. In addition foreign investment may not exceed 20 percent of the capital in electronic media organizations.

There are no restrictions on academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for peaceful assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. In 1997 the Saeima passed legislation on public demonstrations that requires protesters to remain specified distances from foreign missions, the Saeima, the Prosecutor's Office, and certain other public institutions. While the law purports to imitate Western European statutes, independent human rights organizations find its provisions contradictory and confusing. Numerous demonstrations nevertheless took place peacefully and without government interference during the year.

The Constitution provides for the right of citizens to associate in public organizations; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens can join and form political parties, but there must be at least 200 citizens in the party and at least half of the total membership must be citizens. More than 40 political parties are registered officially.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, bureaucratic problems for minority religions persist. There is no state religion, but the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptists, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or other financial transactions, as well as tax benefits for donors.

By law any 10 citizens or permanent residents over the age of 18 may apply to register a church. Congregations functioning in the country for the first time that do not belong to a church association already registered must reregister each year for 10 years. Congregations numbering 10 or more of the same denomination having permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries. A decision to register a church is made by the Minister of Justice.

According to Ministry of Justice officials, most registration applications are approved eventually once proper documents are submitted. The Ministry has registered over 1,000 congregations. Problems arise and registration is denied because the Law on Religious Organizations does not permit simultaneous registration of more than one religious union (church) in a single confession. Because of this provi-

sion, the Government can not register any splinter groups, including an independent Jewish congregation, the Latvian Free Orthodox Church, and a separate Old Believers group. The Christian Scientists have been refused registration due to opposition from the Doctors Association.

Shortly after the renewal of independence in 1991, the Vatican, with the support of the Latvian Catholic community, requested negotiations for a reestablishment of the 1922 Concordat, which existed between Latvia and the Vatican during Latvia's period of independence between World War I and World War II. In 1996 the Prime Minister established a working group to negotiate a new agreement. This agreement reportedly would grant the Roman Catholic Church privileged status. The negotiations have led to some concern among members of other religions. If approved it is expected that adherents of other faiths would seek similar recognition and benefits for their own religious community. In November the draft agreement was submitted to the Saima for review.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process still is cumbersome. However, difficulties in this area diminished, and Citizenship and Migration Department officials have worked to ease the situation. The Government cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to conduct such activities. Foreign religious denominations have criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of Evangelical Lutheran, Roman Catholic, Orthodox, Old Believer, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

The Latvian Lutheran Church established its own clergy education center, the Luther Academy in Riga, in 1998. The Roman Catholic Church also has its own seminary but wants to establish its own separate faculty of theology at the University of Latvia or, alternatively, join forces with a Catholic university elsewhere in Europe that would issue degrees. The University of Latvia's theological faculty is now nondenominational.

Citizen's passports currently indicate the ethnicity of the bearer. Jews are considered an ethnic group and are listed as such rather than Latvian, Russian, etc.

Jewish community leaders have regained a number of major properties around the country, and they report that the legal framework for restitution of religious property is adequate. While restitution of a few Jewish properties proceeds, the process is slow, complex, and often delayed by legal wrangling and bureaucratic obstacles.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice. The Government has readmitted noncitizens who claimed refugee status in a foreign country, or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees based on Soviet-era persecution have no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The 1995 Law on the Status of Former Soviet Citizens stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country. Noncitizens, as well as citizens, may be granted amnesty. However, certain rights are denied to noncitizens. They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures but may not purchase land in the border zones. The law also provides for the issuance of a noncitizen travel document that certifies these rights.

The Government works closely with the U.N. High Commissioner for Refugees, and the Law on Asylum Seekers and Refugees complies with all provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Special immigration police and border guards units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office can be appealed to the Asylum Appeals Board in the Ministry of Justice.

The issue of provision of first asylum did not arise during the year and never has arisen. According to statistics provided by the immigration police, during the year 1,126 aliens were detained for questioning. Of those, 218 were deported, and 79 departed voluntarily. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective control of the eastern border. However, by year's end agreements had not been concluded.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in 1998, and in June 1999 the Parliament elected the President. In the 1998 election, candidates from 6 of the 21 participating parties, representing a broad political spectrum, won Saeima seats, and 72 percent of eligible voters participated.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Noncitizens, most of whom are ethnic Russians, are not allowed to vote; however, many ethnic Russians are Latvian citizens and can vote.

On December 15, 1999, the Supreme Court upheld a regional court decision that the extreme Russian nationalist of the Equal Rights Movement and Riga city council deputy Tatyana Zhdanok was not eligible to run for public office due to her pro-Soviet activities after January 13, 1991. After the Riga City Council annulled her election, Zhdanok filed suit against the Latvian Government in the European Court of Human Rights.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995 about 39,000 persons have become citizens. Approximately 35 percent or 14,00 of these persons were naturalized in 2000 alone. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 56 percent of a total population of 2.5 million, and 78 percent of citizens. Ethnic Latvians do not constitute a majority in three of Latvia's seven cities.

The 1998 Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to Latvia. At present, according to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt.

In addition a 1998 referendum brought the citizenship law into compliance with Organization of Security and Cooperation in Europe (OSCE) standards. Children of noncitizens born after August 1992 are entitled to citizenship upon application.

International observers, including the resident OSCE mission, credit the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law. In the estimation of the NHRO, the OSCE, and various NGO's, the Board has sought to apply the law fairly.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration. Working with the European Union and the U.N. Development Program, the Government also has implemented a long-term nationwide Latvian language teaching program for adults and children in non-Latvian schools.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and the first Roma deputy in the Saeima, serve in various elected bodies. Women are underrepresented in government and politics. There are 20 women in the 100-member Saeima. Two women are in the 15-member Cabinet of Ministers. For the first time, the President of the country is female.



*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A growing number of NGO's devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other nonethnic Latvians, presenting them to the courts and the press.

The Government engages in dialog with NGO's working on human rights issues. The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigation into alleged violations. The office acts as a general ombudsman on social issues and handles a variety of individual complaints, primarily concerning problems receiving social benefits.

A number of NGO's provide assistance to those who wish to complain of police abuse or abuse in prisons.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

According to the 1922 Constitution, all citizens are equal under the law. In 1998 the Saeima passed amendments to the Constitution that granted constitutional protection to fundamental human rights. The amendments supersede provisions of the 1991 Constitutional Law, which had served in the interim, and contain constitutional provisions for the exercise of the freedoms of speech, religion, association, the press, and other basic liberties. The amendments also provide for protection from discrimination due to race, sex, religion, language, or disability. Only citizens can vote or hold government office. There are some restrictions on land purchases by noncitizens.

*Women.*—Despite legal protections, international observers and human rights groups increasingly are concerned about problems facing women. Although no overall statistics are available, sources indicate that domestic violence against women, often connected with alcohol abuse, is significant and underreported. Women who are victims of abuse often seem to be uninformed about their rights and reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are sometimes reluctant to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. Likewise, there are no specific rape or assault hot lines; however, two crisis hot lines are managed by NGO's.

Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. During the year, 107 rape cases were reported.

Both adult and child prostitution are widespread, often linked to organized crime, and abetted by economic problems (see Section 6.f.). The Government estimates that 3,000 persons work as prostitutes. The NHRO reports that adult prostitutes have no legal protections. Prostitution is legal; procuring is not. There are no state institutions to assist prostitutes. However, the private Latvian Center for Gender Problems provides medical help and social support for prostitutes.

Sexual harassment of women in the workplace, although illegal, is reportedly common. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions. The code also bans employment discrimination. In reality women frequently face hiring and pay discrimination, especially in the emerging private sector. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeds that of men by 75 percent, while men outnumber women two to one in upper income levels. The Ministry of Welfare has designated a one-person office with responsibility for gender issues.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

*Children.*—The law on the rights of the child and the constitutional provisions on children are based on Western European models and provide for various protections, including health care and legal protections against physical abuse. However, resources are not adequate to ensure observance of these provisions. There is a national center for the protection of the rights of the child.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. An estimated 12 to 15 percent of prostitutes are considered juveniles, that is, between the ages of 8 and 18. Although in theory the Constitution and the Law on the Rights of the Child protect children, these rights only are enforced sporadically in the case of child prostitutes. Schooling is mandatory through the ninth grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy is widespread and growing. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

Trafficking in young girls for forced prostitution abroad is increasing (see Sections 6.c. and 6.f.).

*People with Disabilities.*—The Constitution calls for protection of the disabled against discrimination; the 1992 Law on the Medical and Social Protection of Disabled provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect the disabled from bias in the workplace and from job discrimination. In 1998 the Cabinet adopted a framework document entitled "Equal Opportunity for Everyone." The document is designed to coordinate the efforts of all branches of Government in assisting the disabled. The Government supports special schools for disabled persons. It does not enforce uniformly a 1993 law requiring buildings to be accessible to wheelchairs, and most buildings are not. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

*Religious Minorities.*—In August the magazine *Kapitals* published a derogatory article about Jews and business. The public and senior government officials immediately condemned the article. The editor of the magazine resigned, and senior officials of the company apologized.

*National/Racial/Ethnic Minorities.*—Of the country's more than 2.4 million inhabitants, approximately 1 million persons are of non-Latvian ethnicity, including more than 700,000 ethnic Russians, 100,000 ethnic Belarusians, almost 64,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 74 percent of the country's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 583,000 resident noncitizens, of whom an estimated 68 percent are Russian; 12 percent, Belarusian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians.

Ethnicity is identified in the passport of Latvian citizens but not in the passports of Latvia's noncitizen residents. Groups such as Roma and Belarusians have complained that, because the passport is a basic form of identification, this requirement has opened them to various forms of discrimination based on ethnicity.

On December 9, 1999, the Saeima passed a revised version of the language law, which went into effect on September 1, 2000. The language law regulates the uses of language that affect public safety, health care, protection of the consumer, and labor rights. The law requires that documents submitted to the Government be translated into Latvian, including company reports and records, except in cases of emergency. If a public event is coorganized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages can be present as well. The law and its implementing regulations meet international standards. However, the implementation of this law remains a matter of public debate and continued international attention.

In July 1998, the police arrested Vilis Linins, the chief ideologue of the ultranationalist Thundercross organization, which was suspected of terrorist attacks against Soviet memorials and other targets. On May 29, 2000, Linins was found guilty of several acts of vandalism and sentenced to 3 years' imprisonment and fined \$35,000 (21,000 lats). This was the first case where a political group was convicted of violent acts carried out to promote its political goals.

The Government financially supports education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government is implementing a bilingual education program at the elementary school level. The goal of this program is to facilitate the eventual transition to Latvian-language secondary schools by 2004. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there is a shortage of qualified teachers.

State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination. However, several private institutions offer higher education in Russian.

### Section 6. Worker Rights

*a. The Right of Association.*—The Law on Trade Unions stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing. Union membership is about 30 percent of the work force. Free elections for union leadership are held every 4 years.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals have been reported.

Unions are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

*b. The Right to Organize and Bargain Collectively.*—Labor unions have the right to bargain collectively and are largely free of government interference in their negotiations with employers. The law prohibits discrimination against union members and organizers. The Government's ability to protect the right to organize in the private sector is weak.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and it generally is not practiced. Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate enforce this ban. However, trafficking in women (including minors) for prostitution abroad is a significant problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Schooling is compulsory until age 16 and free until age 18. State authorities are lax in their enforcement of child labor and school attendance laws. There generally is no evidence of forced or bonded labor involving children, which is prohibited by law (see Section 6.c.); however, trafficking in young girls for prostitution is a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The monthly minimum wage is about \$82 (50 lats), far below the amount that trade union officials describe as the bare minimum for survival.

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace, but these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment, but these standards also frequently are ignored in practice.

*f. Trafficking in Persons.*—In May the Criminal Code was revised to make it illegal to forcibly send a person to a foreign country for the purpose of sexual exploitation. There were no prosecutions by year's end.

There were instances of trafficking in women for purposes of forced prostitution. Prostitution is a significant problem in Riga, and there is evidence that trafficking in women (including minors) for prostitution abroad also is increasing. The country is primarily a source or transit country rather than a destination.

## LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. The reigning Prince is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government and of the independent judiciary. In July the Prince decided to postpone the ongoing debate on a new Constitution until after parliamentary elections in 2001. Consultations between the Prince and Parliament's constitutional commission collapsed in April over diverging views on the executive powers of the monarch.

The Interior Ministry effectively oversees the regular and auxiliary police forces. There is no standing military force.

Liechtenstein has a prosperous, highly industrialized, free enterprise economy with a vital service sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. As a member of the European Economic Area (EEA), its 32,000 citizens enjoy a very high standard of living. Unemployment fell to 1.1 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women is a problem. The Government is working to eliminate societal discrimination against women.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The law provides for freedom from arbitrary arrest and detention, and the Government observes these provisions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate, who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing; counsel is provided to indigents. Release on personal recognizance or bail is granted unless the examining magistrate has reason to believe the suspects are a danger to society or will not appear for trial. The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judicial system has three tiers: Lower court; high court; and Supreme Court. In addition an Administrative Court hears appeals against government decisions. The State Court protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for fair public trials and judicial appeal, and an independent judiciary respects these provisions.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince can take such action only if the Parliament requests it.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for personal liberty and for the inviolability of the home, postal correspondence, and telephone conversations. No violations were reported. Police need a judicial warrant to search private property.

##### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press. Two daily newspapers are published, each representing the interests of one of the two major political parties, as is one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents freely receive radio and television broadcasts from neighboring countries. An information bulletin is also issued by the third party (Freie Liste) represented in Parliament. There are no limits on access to the Internet.

In October 1999, the European Court of Human Rights (ECHR) fined Prince Hans-Adam II for abusing one of his subject's freedom of speech. The ECHR reprimanded the monarch for refusing to reappoint a judge, Herbert Wille, who disagreed with him in an ongoing constitutional debate. In a public lecture held in 1995, Wille said that the State Court should decide on cases of disagreement between citizens (represented in parliament) and the Prince. The Prince wrote Wille shortly afterwards that the opinions that he expressed disqualified him from office, and in 1997 he refused to endorse Parliament's support for Wille's reappointment as head of the administrative court. The ECHR found that Hans-Adam II had curbed Wille's right to free speech and ordered him to pay \$59,000 (100,000 Swiss francs) in costs and damages. In his response on the following day, Prince Hans-Adam II stated that he took note of the judgement of the ECHR; however, the Prince had not reappointed Wille to the court by year's end. The Prince further stated that he and his successors will no longer publish the reasons for such appointment decisions. The 100,000 Swiss francs in costs and damages were paid out to Wille and his two legal counsels in February.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. The relationship between the Government and the Catholic Church currently is being redefined, and a new agreement is scheduled for 2002. The Government contributes to the Catholic Church, as well as to other denominations. The finances of the Catholic Church are integrated directly into the budgets of the national and local governments. Catholic or Protestant religious education is compulsory in all schools, but the authorities routinely grant exemptions for children whose parents request them.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens have unrestricted freedom to travel in the country, to emigrate, and to return.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. On July 3, the Government signed a trilateral agreement with Switzerland and Austria regarding the return of persons entering the country without permission. The treaty was ratified on October 25.

The Government provides first asylum; however, the country's lack of an airport or international train station means that it receives few requests. The 1998 asylum law is in accord with the U.N. 1951 Convention on Refugees and its 1967 Protocol. Since its passage, the number of asylum requests has increased. Those persons who enter from Austria without permission still are returned to Austrian authorities in accordance with a 1955 bilateral agreement.

The Government granted collective protective status to Kosovar immigrants in the fall of 1998, following rising numbers of asylum applications. In April 1999, the Government decided that children under age 20 and spouses of guest workers from Kosovo could enter the country on request. In total the Government granted temporary protective status to 748 immigrants from Kosovo. In September 1999, the Government stopped granting collective asylum and set a deadline 8 months later (May 31) for repatriations.

By October 1999, 505 Kosovars left the country voluntarily, 481 of whom agreed to their repatriation before the May 31 deadline and thus benefited from government financial and material assistance in coordination with Switzerland's refugee repatriation program. Beginning in June, 19 Kosovars were "forcibly" repatriated, but only 1 was repatriated under police escort. To avoid repatriation, 92 Kosovars disappeared. An additional 115 Kosovars, whose asylum applications are pending, remained in the country awaiting a decision on their applications.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage is universal for adults over age 18, and balloting is secret. Political parties operate freely. Citizens regularly vote on initiatives and referendums.

Women are underrepresented in politics and government, although since gaining the right to vote in 1984, a growing number have been active in politics. A woman, the Foreign Minister, is one of the five members of the Cabinet, and another is a Member of Parliament. Women serve on the executive committees of the major parties. In June 1999, women's organizations, political parties, and the Government's Bureau for the Promotion of Equal Rights for Women and Men held a convention to promote greater participation by women in politics.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

International and domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

The sole local human rights organization, *Justitia et Pax*, is an informal group of about 10 members who monitor prison conditions and assist foreign workers with immigration matters.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities respect these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

*Women.*—Violence against women is a problem. Nongovernmental organizations (NGO's) estimate that one in five women is a victim of physical or psychological violence. There is 1 women's shelter, which provided refuge for 33 women, only 12 of whom were citizens, and 30 children during the year. Annual government financing for the shelter is approximately \$140,000 (240,000 Swiss francs). The law prohibits all forms of domestic violence, and the Government vigorously enforces the law.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented (see Sections 6.c. and 6.f.).

Societal discrimination still limits opportunities for women in fields traditionally dominated by men. Men earn more than women. In accordance with a 1992 constitutional amendment mandating equality for women, Parliament amended a significant number of laws to provide for equality of treatment. For example, Parliament revised the citizenship law, the employment law, the law on labor conditions, the tax law, and the divorce law. The process of amending laws is almost complete. In March 1999, Parliament passed legislation on equal opportunity for women and men. The law is designed to eliminate discrimination and sexual harassment in the workplace and to create conditions that allow both women and men to combine work and family. It entered into force in May 1999. In April 1999, the Government approved a plan to promote equal opportunity and to create conditions that allow both men and women to combine work and family. Measures include: Raising public awareness about the new law; improving programs and infrastructure for traditional and single-parent families, such as affordable housing and childcare; promoting educational and career opportunities for women; and raising recognition for work in the home to the same level as for work outside the home. The Government took steps to end all forms of discrimination against women. In December 1999, the Government signed the optional protocol to the U.N. Convention on the Elimination of All Discrimination Against Women.

Three women's rights groups were active. Their chief concerns were public affairs, information, legal counseling, lobbying, and other political activities.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16.

The Government supported programs to protect the rights of children and matches contributions made to the four NGO's that monitor children's rights. A children and youth service belonging to the Office for Social Services oversaw the implementation of government-supported programs for children.

In September the Government signed two optional protocols to the 1989 U.N. Convention on the Rights of the Child. One protocol strictly regulates the drafting of minors into the armed services, and the other forbids child prostitution and child pornography as well as trafficking in children.

In November the Government established a Commission for the Coordination of Professionals in Cases of Sexual Offences against Children. The group consisted of experts from different backgrounds and focused on assisting professionals (counselors, therapists, and physicians) who deal with sexual offences against children. The Commission takes a comprehensive approach to sexual offences against children.

During the year, two children allegedly were abused sexually by acquaintances, but the prosecutor's office dropped the case after further inquiries undermined the validity of the allegations. The suspect, a Brazilian national, no longer resides in the country.

There is no societal pattern of abuse against children.

*People with Disabilities.*—Although the law expressly does not prohibit discrimination against people with disabilities, complaints of such discrimination may be pursued in the courts. Amendments to the law on insurance for the disabled, which were intended to improve the economic situation of disabled persons, came into force in 1997.

The Government requires that buildings and government services be made accessible for people with disabilities, but in general they are not, particularly old buildings.

*National/Racial/Ethnic Minorities.*—In its 1998 security report, the Government confirmed the existence of a small number of rightwing extremists, consisting of

about 20 skinheads between the ages of 20 and 30, and about as many followers of a slightly younger age. A 1999 government survey of 700 young persons indicated that approximately 20 percent of youths expressed ambivalence toward or sympathy for extremist views, while 4 percent supported extremist views. Incidents of violence increased in 1999, according to the survey. On August 19, an adolescent from former Yugoslavia was injured in a fight with a local youth. The attack appeared to have been motivated racially. The rightwing extremists have not been publicly active. One case of repeated verbal attacks against Kosovar refugees was reported to a local NGO. In November 1999, a local youth was fined \$375 (600 Swiss francs) and sentenced to 2 weeks of social work for putting a racist web site on the Internet. There were no reports of rightwing propaganda on the Internet during the year.

Parliament adopted national antiracism legislation in December 1999. The law entered into force on February 11 and makes it a crime to produce or distribute racist propaganda, deny or trivialize genocide and crimes against humanity, engage in racist or religious discrimination, deny services to a particular group, or support racist organizations. Violations are punishable with a maximum 2-year prison sentence. On March 1, the country acceded to the U.N. Convention against Racial Discrimination. On June 18, voters approved a referendum that changed naturalization requirements to facilitate the naturalization of long-term residents, but it required that applicants relinquish their citizenship in other countries.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives. Due to the country's small size and population, only one trade union operates, representing about 13 percent of the work force. However, the sole trade union looks after the interests of nonmembers as well. It is a member of the World Confederation of Labor but is represented on an ad hoc basis by a Swiss union.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers may dismiss employees for refusing to work; such dismissals may be contested. In 1997 the Government incorporated EEA guidelines into its domestic labor law. These guidelines require that, among other things, employers consult in cases of projected mass dismissals and submit employment contracts in written form.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements generally are adapted from ones negotiated by Swiss employers and unions.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and it is not known to occur. Except by implication, the law does not forbid forced and bonded labor by children specifically, but such practices are not known to occur. NGO's assume that trafficking in women occurs, but there were no reports of specific cases (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Government does not prohibit forced and bonded labor by children specifically, but such practices are not known to occur (see Section 6.c.). The law generally prohibits the employment of children under 16 years of age. However, exceptions may be made for the limited employment of youths at least age 14 and for those who leave school after completing their 9 years of compulsory education. Children ages 14 and older may be employed in light duties for not more than 9 hours a week during the school year and 15 hours a week at other times.

Inspections are adequate. No employers have been fined or imprisoned for violations of the law. The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

*e. Acceptable Conditions of Work.*—There is no national minimum wage. The number of working poor households has not increased in recent years. In 1999 36 households (0.3 percent) depended on public welfare to obtain a yearly minimal income, set at \$10,700 (17,720 Swiss francs) for a one-person household, and were considered working poor. A total of 458 households (2.7 percent) received public assistance. The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. With few exceptions, Sunday work is not allowed. Workers over age 20 receive at least 4 weeks of vacation; younger workers receive at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy effectively enforces these provi-

sions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented. Although there were no reports of trafficking during the year, six cases of trafficking in persons (assistance with illegal immigration) were reported in 1999. In most cases, the traffickers concerned were relatives of illegal immigrants.

## LITHUANIA

Lithuania is a parliamentary democracy with a Constitution adopted by referendum in 1992. The Constitution established a 141-member unicameral legislature, the Seimas; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, Lithuania has made steady progress in developing a market economy. Most housing and small businesses are privatized, and the contribution of the private sector to gross domestic product amounts to more than 70 percent. Trade is diversifying and expanding both to the West and the East. Agriculture employs the largest number of workers (20 percent). Major exports include textiles, mineral products, machinery, and electronic appliances. Inflation from January to August remained low at 0.3 percent. Per capita GDP in 1999 was \$2,878. During the first half of the year, real GDP reportedly increased by 2 percent. However, unemployment continued to remain high at over 11 percent. (It was above 15 percent according to a labor market survey.)

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police on occasion beat detainees and misused detention laws. The Government has made some progress in bringing police corruption under control. Prison conditions remained poor, and prolonged detention in a small number of cases remained a problem. State media continued to be subject to political interests. Violence and discrimination against women and child abuse were serious problems. Trafficking in women and girls for the purpose of forced prostitution was a problem.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

In 1998 the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 litas) to establish a full-time working secretariat for the Commission. The secretariat was in operation by October 1999, and the first research group of the Commission began work in December 1999.

In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party who were sentenced to prison terms of from 3 to 12 years for crimes that included premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but their appeal was still under consideration at year's end.

Formal charges were filed against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He was accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Lileikis's trial was postponed several times due to his poor health; he died at age 93 without trial on September 27.

Gimzauskas, who served as Lileikis's deputy during the war, returned to Lithuania in 1993. On October 13, 2000, the Vilnius regional court decided to try the